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BY

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AND

C. E. A. BEDWELL, Esq.

Let observation, with extensive view,
Survey mankind from China to Peru.
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INTRODUCTION.

[*Contributed by* PROFESSOR BERRIEDALE KEITH, D.C.L.]

THE generosity of experts throughout the Empire has once more enabled the Society to present an almost complete review of the legislation passed in 1923. There are a few lacunæ, which we trust may be made good next year. Comparative material is afforded by a summary of French legislation, and China makes a welcome appearance among those nations which are interested in the advance of factory legislation. The extent of the output of the Legislatures is, at first sight, somewhat appalling; but, though among political philosophers there may linger a recollection of early Victorian doubts as to the omnicompetence of the State, legislators exist to pass laws, and they seem to be little troubled by fears lest they should invade fields which ought to be reserved to men's voluntary action. The vast bulk of modern legislation is due to the confirmed belief of Parliaments that the State has the power and the duty to use its authority to further commercial undertakings and to promote agriculture, coupled with the conviction that it is possible by legislation to minimize social inequalities and promote human well-being. It is an interesting, but probably vain, speculation to estimate the extent to which the humanitarian trend of modern legislation is due to the admission of women to the franchise; the phenomenon, however, antedates this electoral concession, and seems to be due to a movement of feeling to which the emancipation of women itself owes its origin. In one respect the legislation of 1923 marks a return to more normal conditions; the war measures of earlier years have gradually ceased to be necessary, and have been permitted to expire, while fresh legislation of this character is of minimal extent and importance. While, however, the legislation of the Empire is largely inspired by the same ideals, it is both interesting and instructive to mark distinctive characteristics; the laws enacted by the Provinces of Canada show far less approximation to the principles of State Socialism than do those of the States of Australia, and among the States again the legislation of the Labour majority in the Queensland Parliament is of a much more radical type than that of South Australia. It is significant that the Indian Legislatures under the reformed constitution began to deal with those problems of promoting the development of local industries which could not successfully be handled under the former regime.

Uniformity of Legislation.—The circumstances of the Empire and the diversity of its legislative organs are fatal to that uniformity of legislation in favour of which Imperial Conferences periodically declare themselves. Nevertheless, something is accomplished annually towards assimilating the laws of the Empire in those matters which do not depend on local circumstances, and in which, therefore, divergence is without

purpose or justification. In some cases the change may not altogether be appreciated locally; the resident in the Straits Settlements now finds that the Post Office (p. 164) is no longer legally liable for the loss of registered or insured packages, and that, as in Great Britain, he must rely on the bounty of the Postmaster-General. India, Malta, and Mauritius have adopted the principles of the British Official Secrets Act, 1920, while Gambia, the Gold Coast, and Nigeria have adopted the Trade Marks Act of 1919. Trinidad has followed the Registration of Business Names Act of 1916. Still more important is the decision of Northern Ireland to persist in her policy of following the British model wherever local circumstances permit; thus she has followed (p. 21) the British legislation of 1923 regarding Workmen's Compensation, which India (p. 146) also has adopted, and that on Unemployment Insurance, and in dealing with Trade Boards has adapted the Acts of 1909 and 1918 to her special conditions in accordance with the advice of a Committee (p. 21). In the case of the extension of the Criminal Law Amendment Act, 1923, to Northern Ireland one at least of the minor changes may be regarded as an improvement from the point of view of the efficacy of the law for the purpose of protection of the young. An interesting decision is that which adopts the principle of the English law regarding the competence of an accused person, and of the husband or wife of such a person, to give evidence (p. 22). Gibraltar has, as usual, assimilated her law to that of England by accepting the crime of infanticide, and limiting the defence of consent in the case of assaults on girls and young persons; she has altered her arbitration law to agree with the English rule, and removed an anomaly, which had caused difficulty in the Courts, by abolishing in admiralty causes the defence of compulsory pilotage, which long before disappeared from English law (p. 185). Manitoba accepts, in levying income-tax, the principle of deductions to avoid exaction of double income-tax in case of reciprocity (p. 43). In other cases uniformity within a narrower range is aimed at; thus the Union of South Africa enacted five laws providing codes applicable to the whole area in replacement of the separate laws of the former colonies, and the Life Insurance Act of British Columbia marks the first enactment of a measure which has since won practically universal acceptance in the Dominion (p. 39). In the Federated Malay States (p. 164), important progress was made, not merely in consolidating the laws of the separate States, but in assimilating the laws to those of the Straits Settlements whose interests are indissolubly connected with those of the Malay States; enactments on customs, excise, fisheries, and harbours are largely based on precedents in the colony, and both territories have arranged for similar legislation regarding Indian immigrants. The State of North Borneo has copied (p. 167) the legislation of India as to insolvency and negotiable instruments, and that of the Federated Malay States as to deleterious drugs.

Consolidation of Legislation.—A substantial amount has been accomplished towards the simplification of legislation throughout the Empire. The year saw definite progress towards the production or authorization of editions of the revised statutes of British Columbia (p. 41), Bermuda (p. 64), Fiji (p. 118), Hong Kong (p. 162), Nigeria (p. 172), and Zanzibar (p. 174). The British Parliament produced the Salmon and Freshwater Fisheries Act, and Acts for England and Scotland on agricultural holdings (pp. 5, 6), both of which were badly required by agricultural tenants.

South Australia consolidated her legislation on stamp duties and municipal corporations (p. 74). The Union of South Africa, as we have seen, effected important assimilation as well as consolidation of law in several Acts, including one on stock thefts, and another on the registration of births, marriages and deaths (p. 121). Ontario dealt comprehensively, partly by way of amendment, with travel on highways (p. 56). Special mention is due to the admirable practice of Victoria, which has followed up her invaluable consolidation of the law in 1915 by including in her annual volumes an alphabetical index of statutes passed since 1890 and a chronological index from the same date. The consolidations of the Federated Malay States have been noted above, and India, as a preliminary to amendment of her merchant shipping legislation, has consolidated 26 Acts dating from 1838 to 1920; small wonder that the difficulty of ascertaining the law was so considerable (p. 148). India has also consolidated her mining law (p. 146).

Constitutional and Administrative Law.—The outstanding event of the year, from the point of view of the Empire, was the issue of Letters Patent under the Prerogative conferring responsible government on Southern Rhodesia (p. 139). Hardly less important was the criminal legislation of India destined to put an end to discriminations between European British subjects and Indians in respect of criminal proceedings. The enactment (p. 143), one of the most important achievements of the reformed central Legislature, marks a distinct step in the progress of India to a position of full equality in the British Commonwealth of Nations, and, if its value is mainly sentimental, it must be remembered that it is on sentiment that the permanency of the relations of Britain and India depends. British Guiana has similarly asserted by legislation the fundamental principle of the equal status in the colony of all British subjects, thus negativing any alleged inferiority of Indian immigrants (p. 176). The doctrine of the equality of the Dominions in status with the United Kingdom finds practical expression in the British legislation (p. 13) exempting from income-tax the salaries of their representatives in the United Kingdom—a concession parallel to that made to the diplomatic representatives of foreign Powers. The United Kingdom also has declared that, for the purposes of the Army Act and the Air Force Act, the head of the Government of a mandated territory is to be treated as if he were the governor of a protectorate (p. 2). New Zealand (p. 113) has altered the constitution granted to Western Samoa by admitting an elective element into the Legislature, and by recognizing formally the Fono of Faipules, or Council of Chiefs, as serving as advisers to the Administration in matters specially affecting the interests of the people. Her legislation on British Nationality (p. 116) departs, perhaps unfortunately, from the principles asserted in the Imperial Acts of 1914 and 1922, and raises some difficult questions as to the validity of certain points of the Dominion legislation. Victoria has found it necessary (p. 99) to make it quite clear that women are eligible for membership of either House of Parliament; she has authorized the taking of evidence before Parliamentary Committees on oath, and her new electoral law provides adequately for a not uncommon case, that of an elector whose name has not been duly inserted on the roll, though he is entitled to vote; it is worth noting that the postal vote in Victoria, as elsewhere, has shown itself liable to misuse (p. 100). Advocates of the process of legislation by the people will note with interest the further elaboration of the legislation

of Alberta (p. 37), which has been found necessary to ensure that the people really know what they wish to enact and secure its enactment. The difficulty which the new Act seeks to meet suggests that direct legislation must become extremely difficult when applied in a more extended area, and to more complex conditions, than those of a Canadian province. Similar results of analogous conditions may be seen in the legislation of Northern Ireland (p. 22) requiring persons in government employment to take an oath of allegiance, and the Bengal law (p. 153), which requires a similar oath from a municipal councillor and enables the local government to declare that a councillor has violated his oath and has thus vacated his seat. The Union of South Africa has enacted a code for the government of the public service (p. 125), which illustrates the tendency of Dominion Legislatures to remove by legislative means the temptation to ministers to exercise unwisely the patronage of their departments. The authority given to the public service commission extends to promotion as well as to first appointment, and the system presents material well worthy of careful study in Great Britain.

The Administration of Justice.—Queensland, always an innovator, has contented herself (p. 71) with a very moderate measure in providing that in certain civil cases the Court may accept the verdict of five-sixths of a jury, provided that the luckless jurors have deliberated for six hours; when it is remembered that simple majority decisions are accepted in Scotland without apparent injury to the body politic, this moderation may be regarded as surprising. The same State has authorized the addition to the jury list of women who desire to serve; this, as British experience shows, is a far wiser proceeding than imposing on women a duty for which few are really qualified by training or aptitude (p. 71). Ontario has remodelled its highest Court of Judicature (p. 53) with the somewhat odd result that of nineteen judges ten are assigned permanently to the two appellate divisions, leaving only nine judges for the rest of the work of the Court. In Zanzibar (p. 174), while there has been no fusion of jurisdiction between the two sets of Courts, the British and those of the Sultan, there has been close assimilation, and appeals from both now lie to the Court of Appeal of East Africa and ultimately to the Judicial Committee. The arrangement is admirable as an example of the punctilious maintenance of forms which have no real significance, but have an historical basis. The long-drawn-out process of extending the arrangements for the mutual enforcement of judgments of the highest Courts in the various British territories has been carried further by legislation adopting the principle of the British Act of 1920 in Victoria, Bahamas, Bermuda, Barbados and Palestine. The deplorable practice of wife desertion is further countered by the adoption by Western Australia, the Union of South Africa, Bahamas, and Bermuda of legislation on the lines of the British Act passed in 1920 to facilitate the enforcement of maintenance orders made in other parts of the Empire. Victoria underwent an experience of a somewhat painful character in the course of the year, rioting and looting breaking out at Melbourne after a considerable section of the police had refused to obey lawful orders. The result is seen in Acts for the preservation of public safety (p. 100) and regulating the police force (p. 101), which show a close approximation in purpose and in substance to legislation enacted in the United Kingdom to meet similar emergencies; common to both is the restriction of the extraordinary powers which may be assumed in case of emergency by the

Government by forbidding industrial conscription and the veto imposed on members of the police force becoming associated with any political or industrial organization. Ontario made an heroic, but ultimately unsuccessful, attempt to restrict the publication of betting news (p. 53), while the Transvaal (p. 142) has authorized the Administration to forbid the use of motor-cars with left-hand steering. The Union of South Africa (p. 131) has adopted an ingenious plan for the control of boxing; it repeals incidentally the Volksraad resolution of the South African Republic absolutely forbidding such contests, which, as Mr. Matthews remarks, had, of course, remained a dead letter. It may console police officers for the somewhat arduous duties imposed on them by the Act that it also ensures them the right of admission at any time to boxing contests. Less familiar subjects are dealt with by Cyprus, which penalizes (p. 187) the promiscuous carrying about of knives, and by Bengal (p. 152) which, in order to meet hooliganism of a specially virulent type, took power to secure the removal from the province or the capital of persons whose criminality was established to the satisfaction of the local government. Interesting is the legislation of the Indian Legislature regarding criminal tribes (p. 143); power is now given to deal with individual members or portions of a tribe, and not merely with the whole body, and arrangements may be made with the ruler of a Native State for the settlement there of such a tribe in a suitable case.

Local Government.—Whatever view may be held on the reform scheme for India, there is general agreement that the development and extension of local government afford the most effective means of securing the awakening of political capacity. Hence it is satisfactory that the new Legislatures have been sedulous in improving the constitutions of local authorities with a view to rendering the elective element predominant and to freeing local authorities from minute control of their activities; for this purpose legislation was passed in Bombay, Bihar and Orissa, and Assam, while the municipality of Calcutta was reorganized and its powers increased. Alberta (p. 28) has found it desirable to give wide powers to a Board to deal with public utilities, to approve proposals of borrowing by municipal and other authorities, and to direct their affairs in case of financial difficulties, while the Town Act (p. 30) confers *inter alia* power to deal with radio-aerial wires and defines the sources of municipal revenue. Natal has enacted an important measure providing for the creation of boards in rural districts with sole power to grant trading licences, subject to appeal to a Board of Appeal whose decision shall be final; only in the case of applications for the renewal of existing licences is an appeal to the Provincial Division of the Supreme Court permitted (p. 135), an enactment of grave importance to Indian traders who can hardly expect favourable consideration of applications under existing circumstances in Natal. A further enactment (p. 136) enables municipalities to impose restrictions of racial character on the use of land sold or leased by them. Mauritius (p. 166) has improved the constitution of Port Louis, and Cyprus has found it necessary (p. 188) to limit popular election of village authorities.

Finance and Currency.—The Commonwealth of Australia enacted an important measure (p. 65) providing for the establishment of a sinking fund to cover all Commonwealth debts past and future, save that due to the United Kingdom, for which provision is already made. It secured also agreement with the States under which federal income-tax is collected

by State officers (p. 67), an arrangement at once convenient and less burdensome to the taxpayer than duplicate demands by independent authorities. South Australia (p. 95) and Victoria (p. 104) legislated to give effect to the arrangement, incidentally simplifying their own Income-tax Acts. By a further agreement with the States the Commonwealth has provided for their exacting taxation from Commonwealth loans while it imposes Commonwealth taxation on State loans. The Union of South Africa (p. 130) inaugurated her scheme of gradual restoration of the gold standard which has come this year to fruition, while India (p. 147) regulated her paper currency and legislated to secure income-tax on shipping profits made by firms not established in India. Queensland (p. 68) imposed regulations on private savings banks of a severely restrictive nature, increasing the security of the depositor and limiting seriously the chance of the bank making high profits. Victorian legislation includes an improved method of dealing with public account advances and provision (p. 105) for a sinking fund to secure the repayment of railway loans. Southern Rhodesia was compelled, in order to secure her financial position on attaining responsible government, to raise a loan (p. 140), and among tariff innovations may be noted the decision of Fiji to protect local rice and butter production (p. 118), of Newfoundland to grant preferential treatment to Jamaica and to Spain (p. 63), and of the Bahamas (p. 178) to foster the trade in imported spirits, whose abnormal growth of late years is not unconnected with prohibition in the United States of America. The repeal in India of the indigo cess (p. 148) recalls memories of controversies, now largely forgotten in England, but of historical importance in the development of Indian national feeling.

Commerce and Agriculture.—The vital importance of an increased supply of cotton from British sources is attested by legislation in the United Kingdom (p. 15), Queensland (p. 69), India (p. 146), the Sudan (p. 175), and St. Vincent (p. 184). The Commonwealth of Australia, in addition to establishing the somewhat ill-fated Commonwealth line of steamers, offered bounties for meat export, for sulphur and shale oil (p. 65). Queensland established a Board to organize the marketing of fruit, forbidding any producer to sell otherwise than as ordered by the Board (p. 70); another Act seeks to help on a solution of the grave difficulty presented by the spread of prickly pear over wide areas of the State (p. 71). The State has also declared petroleum and helium to be governmental property, exacting a royalty of 25 per cent. on these minerals when worked, and penalizing false prospectuses. Alberta has regulated the coal trade (p. 35). The new spirit in India is attested by legislation in Madras, Bihar and Orissa, and the Punjab, contemplating governmental assistance to industry, though in the case of Madras only (p. 151) is the power conferred of a wide or far-reaching character. The Union of South Africa, besides encouraging beef export (p. 129), has established (p. 130) a Board of Trade and Industries, which is charged with the duty of watching monopolies and recommending tariff protection or state aid in suitable cases. New Zealand has extended to the case of butter and cheese her excellent system of control of exports (p. 114), so as to ensure even quality and freedom from adulteration.

Labour.—Reference has already been made to the important British Acts on Workmen's Compensation and Unemployment Insurance, which have counterparts in India and Northern Ireland; minor changes in favour

of workers were made in the legislation of Ontario (p. 55) and Queensland (p. 71). The United Kingdom found it necessary also to regulate the employment of young persons in connexion with explosives (p. 4). British Columbia (p. 39) experimented with an eight hours day, appointing, very wisely, a Board of Adjustment to make permanent and temporary exceptions to the general rule. Early closing was regulated in South Australia (p. 78), the Orange Free State (p. 138) and the Transvaal (p. 140). Protection against lead poisoning was afforded by Western Australia (p. 109), and New Zealand set an example of seeking to revive the system of apprenticeship (p. 115). Saskatchewan sought to obviate the hardship inflicted on masters by wanton breach of contract by servants by enabling Courts to award damages not exceeding 100 dollars for such breaches (p. 59). The new conditions on which India is prepared to sanction the emigration of her people for labour overseas are reflected in legislation in Ceylon, the Straits Settlements, and the Federated Malay States (pp. 157, 165), the essence of which is to abolish the treatment as criminal of breaches of civil contract and to secure more effective assurance of benefit to the emigrants in their new abodes. Legislation for Ocean Island and the Solomon Islands (pp. 119, 120) is in some measure inspired by the same spirit. The Indian Mining Act (p. 146) prohibits the employment of children under thirteen on a mine, and restricts the hours of work, in addition to securing a weekly holiday for the workers.

Social Reform. — Housing was materially promoted in the United Kingdom by the "Chamberlain Act" with its elaborate provisions promoting the building of houses by public and private instrumentalities, advances to individuals to purchase or erect houses, and the encouragement of town planning (p. 7) ; the same subject occupied also attention in Northern Ireland (p. 20) and Victoria (p. 104). The cognate subject of rent restriction was dealt with in the United Kingdom (p. 8), Northern Ireland (p. 20), New Zealand (p. 110), the Union of South Africa (p. 129), Bombay, Bengal, and Burma, while Gibraltar was able to terminate the system. The question of intoxicating liquor evoked legislation in the United Kingdom (p. 3) intended to impose limits on the sale to young persons ; Northern Ireland (p. 19) enforced closing on Sundays ; Manitoba (p. 44) reverted to government sale only, rejecting proposals for the sale of beer and wine through other channels ; the Punjab (p. 154) favoured local option, the United Provinces (p. 153) restricted the sale to young persons, and Tanganyika (p. 173) adopted a regime of rigorous compliance with the terms of the mandate. Life insurance contracts were regulated by Queensland (p. 71), British Columbia (p. 39) and the Union of South Africa (p. 127). Industrial insurance was regulated in the interest of workers by the United Kingdom (p. 14). Important measures encouraging industrial and provident societies and friendly societies were enacted by South Australia (p. 82) and Western Australia (p. 109). Legislation respecting hospitals was enacted in Alberta (pp.30, 33), British Columbia (p. 39), New Brunswick (p. 51), Queensland (p. 70), New Zealand (p. 115), and the Orange Free State (p. 137). Queensland, where betting on horse-races is a national pastime, instead of seeking to ignore the practice, has very practically turned this private vice to public advantage by imposing taxes on bookmakers and on every betting ticket (p. 70). South Australia developed a building code in special for Adelaide, which, surrounded by public spaces, is compelled to expand

vertically rather than laterally, but also for other town areas ; the history of the measure (p. 76) is instructive as regards the difficulties which a non-technical body finds in dealing with so technical a subject-matter. The necessity of submitting cinematograph films to censorship has been accepted both in Manitoba (p. 46) and Palestine (p. 192), which are thus in advance of the United Kingdom.

Women and Children.—The process of emancipating and protecting the interests of women went on steadily during the year. The most complete Act was that of Western Australia (p. 110), which has, following the British model, opened all civil offices and professions to women ; it leaves untouched the privilege, which some Churches still assert, of closing the priesthood to females. Victoria, as we have seen, has declared women eligible for either House, though Australian feeling seems still little inclined to send women to Parliament (p. 99). India, less advanced, has none the less (p. 148) opened to women the legal profession, which may afford an opportunity for useful service among those women who by caste or religious rule are forbidden to appear in public. A similar concession has been made by the Union of South Africa (p. 131). Queensland permits (p. 71), without compelling, jury service. The United Kingdom has equalized the grounds of divorce (p. 2), while Queensland (p. 73) permits it generally after insanity for five years ; Victoria (p. 107), where this is already law, has provided for the payment of maintenance by the husband in respect of a wife divorced on this ground, and it has removed an abuse, not unknown elsewhere, by making it compulsory to secure the completion of a decree *nisi* for divorce or nullity. In the mandated territory of Tanganyika the necessary provisions have been made (p. 173) for the divorce of Asiatics and of Native Christians. India (p. 148) has extended to Hindus, Buddhists, Sikhs and Jains the right of marriage under the Special Marriage Act, 1872, and has defined the results of marriage in this way ; it has also (p. 147) made it clear that non-Christians are included in the benefit secured under the Married Women's Property Act, 1874, in respect of insurance policies. Payment by the putative fathers of illegitimate children have been further regulated in the United Kingdom (p. 3) and Alberta (p. 29), and that Province has further regulated the payment of mothers' allowances (p. 29). Ontario (p. 55) has anticipated the United Kingdom in equalizing the rights of the parents to guardianship of a child, providing also for judicial intervention in case of disagreement. The Union of South Africa has also legalized the adoption of children, providing, as usual, an elaborate series of provisions as to the property effect of adoption (p. 132). The obligation to maintain parents is definitely recognized and regulated by Saskatchewan (p. 54). British Columbia (p. 41) prohibits the employment of women or girls in places of business or amusement where injury to their moral welfare may be feared ; she has also extended (p. 39) to boys up to fifteen the definition of " child " in her factory legislation. Northern Ireland (p. 18) has elaborately regulated the employment of children, and India (p. 146) excludes children under thirteen from work on mines. Alberta (p. 38) has recognized the advantage of extending the medical care given to school children to those under the school age. Ceylon (p. 159) has remodelled her law as affecting married women's property. Of very great importance is the effort of South Australia (p. 74) to deal with the difficult problem of bringing up successfully children partly of aboriginal blood ; it may, perhaps, be doubted whether the plan of taking children

away from parents at the age of fourteen will work satisfactorily in practice; but the problem is extremely difficult, and it is being attacked with much good-will. To the great satisfaction of all well-wishers of Hong Kong (p. 161) a definite step has been taken to terminate a system which its supporters described as adoption, while its opponents, with good grounds at any rate in some cases, denounced it as domestic slavery. In Bombay and Bengal (pp. 152, 153) efforts have been made to deal with immoral traffic. New Brunswick (p. 52) has made provision for the sending of young women offenders for detention at the Inter-Provincial Home for Women, where efforts at reforming character will be made.

Education. — In addition to the establishment of Commissions for the reform of the Universities of Oxford and Cambridge (p. 16), there falls to be recorded the establishment by the Central Provinces of a University at Nagpur (p. 156), and reforms in the University of Madras and that of Melbourne (pp. 151, 108). Northern Ireland (p. 17) passed a most important scheme for national education, on a basis consistent with the restrictions as regards religious education imposed by the Government of Ireland Act, 1920; experience has proved that sectarian feeling has not effectively been met. New Brunswick (p. 52) has promoted vocational education, and Saskatchewan (p. 59) has established an industrial school for refractory youths. Malta (p. 189) has settled temporarily at least the vexed issue of the place of English and Italian in education by securing that the former shall be the language studied, through the medium of Maltese, in the first five years of a child's instruction. The problem of Christian education in Cyprus (p. 186) has been adjusted on lines similar to those effectively enacted for Moslem education in 1920. Bombay (p. 151) has made a beginning of attacking the problem of free and compulsory primary education, which is recognized as an essential preliminary to the development of the people to a higher social and political status. Throughout India, of course, the financial problem remains one of the utmost complexity, and has gravely hampered development.

Public Health. — The year marked steady progress in the United Kingdom, where the legislation against dangerous drugs and poisons (p. 3) received important extensions; Jersey (p. 16) followed suit. Hong Kong (p. 162) legislated in the same direction and attacked the problem of opium, which was also dealt with in Northern Rhodesia (p. 138) and the Punjab (p. 154). Assam (p. 156) limited smoking by juveniles, more effectively, it may be hoped, than has been the case in the United Kingdom. Saskatchewan (pp. 57, 59) created a Public Health Department with extended powers, and provided for governmental control of the anti-tuberculosis campaign which has been carried on under private auspices. Natal (p. 136) has promoted the formation of public health committees. Victoria has attacked (p. 106) the difficult question of the registration of nurses, while the Straits Settlements (p. 164) has dealt with midwives. Mauritius (p. 166) has sought to counteract the misuse of the drug gandia, *Cannabis indica*, while Gambia (p. 169) has shown its earnestness in the anti-malarial campaign by adding to penalties for permitting mosquito larvæ. Legislation as to hospitals has been noted above. One enactment is a graceful recognition of great public services; Ontario has set aside (p. 56) ten thousand dollars annually for research work at Toronto University in token of recognition of the great services rendered as to the treatment of diabetes by Dr. Banting and Mr. Best.

Regulation of Professions.—The trend of legislation has continued steadily towards the fixing of professional standards and the making of provision for central bodies with powers of regulation. Thus, Zanzibar has established a Board to decide what persons may practise medicine and dentistry (p. 175). Gibraltar (p. 185) has accepted the British standards for medicine and dentistry. Dentistry has been regulated by the United Kingdom (p. 15) and Barbados (p. 180). Alberta (p. 36) regulates chiropractors, Ontario osteopaths, chiropractors, and drugless healers, New Brunswick (p. 51) druggists, and Mauritius (p. 166) veterinary surgeons. British Columbia (p. 40) permits barristers and solicitors of five years' practice to exchange professions, Seychelles regulates the legal profession (p. 167), and Grenada imposes rules on articled clerks (p. 181). Queensland (p. 70) has gone further, and has established an Electrical Workers' Board, and forbids any person acting as an electrical worker without a certificate from the Board.

Miscellaneous.—These references fall very short of exhausting the interest of the subject-matter of the legislation of 1923. The new status of India is reflected in the Naval Armament Act, which was passed to enable effect to be given in India to the Washington Treaty of 1922 for the limitation of naval armaments. The Indian Army Act (p. 149) has been revised in view of the necessity of providing for an Air Force. Fiji (p. 117) exacts compulsory service in her local force from European British subjects. Zanzibar (p. 175) has contented herself with authorizing a volunteer force. The Commonwealth of Australia legislated (p. 65) to establish her Air Force. The West African Colonies and Protectorates passed Acts regarding the revised establishment of the invaluable West African Frontier Force. The establishment of mandatory government in Tanganyika evoked (p. 173) important legislation regarding the administration of justice and native affairs. The Union of South Africa attacked one aspect of a most complex problem in an Act regarding natives in urban areas (p. 123). Barbados (p. 180) had to face the problem of preserving from harm the supply of subterranean water, on which she depends. Western Australia has commemorated Anzac Day (p. 108) by ordaining a formal holiday, marked by the closing of hotels and the prohibition of race-meetings. New Zealand had to face a common disappointment, the partial failure of soldier settlement schemes (p. 112). South Australia (p. 76) had to provide drought relief for an important body of settlers in an area which has unfortunately proved subject to lack of rain. Sand-drifts also menace the future of agriculture (p. 91), but the progress made with the scheme of deriving irrigation water from the Murray (p. 90) affords promise of a considerable addition to the prosperity of the State. Curious is the necessity of legislation (p. 88) to define sunrise and sunset with a view to conviction of offenders against lighting regulations ; as the Act still leaves a wide latitude for legal controversy, it may be permissible to suggest that a simpler enactment might have served as efficaciously. Alberta (p. 27) has legislated to control automobile insurance in the interest of the insurer, who is to be protected by the Courts against unreasonable conditions or forfeitures. She has also provided facilities for the destruction of grasshoppers, a curious but serious plague (p. 27), and invented a method for the adjustment of debts by friendly intervention without legal proceedings (p. 34). British Columbia (p. 39) has had to pass a curious enactment dealing with public inquiries. A Commission appointed to hold such an inquiry is authorized

to include in its scope the motives and record of those who prompted it, including editors of newspapers; presumably it is hoped thus to avoid insinuations by dwellers in glass houses. Manitoba (p. 48) accomplishes a useful reform by placing on the defendant the onus of proof in the case of any loss, damage or injury caused to anyone by a motor vehicle. On the other hand, supporters of the strict observance of the Sabbath will note with regret that Manitoba (p. 48) has succumbed to the popular love of Sunday excursions, and has exempted those conducting them from any liability for violation of the Lord's Day Act. Bird lovers will note with pleasure the Alberta Act (p. 33) providing for the creation of bird sanctuaries. These are but specimens of the items of interest presented in the Review; the legislation of the year leaves untouched hardly any aspect of human life and activity: *quidquid agunt homines . . . nostri farrago libelli est.*

BRITISH EMPIRE.

1. BRITISH ISLES.

1. UNITED KINGDOM.

[*Contributed by* CECIL T. CARR, ESQ., LL.D., *Editor of Statutes Revised, Statutory Rules and Orders, etc.*]

THE Parliament of the United Kingdom passed forty-two Acts of a public general character in 1923. All but one of these had received the Royal Assent before Parliament rose at the beginning of August. The remaining Act (Workmen's Compensation) was hurriedly passed on the reassembly in November, just before the dissolution which destroyed the Conservative majority, and led to the assumption of office by a Labour Government in January, 1924.

Improvement of the Statute Book.—The abrupt ending of Parliament in November 1923 prevented the fulfilment of proposals for consolidating the law relating to the Supreme Court, Real Property and Conveyancing in England, whereof the King's Speech had held out hope. Time had fortunately been found earlier in the year to pass admirably planned consolidations of the law of agricultural holdings for England and Scotland, and the law of salmon and freshwater fisheries in England. The Salmon and Freshwater Fisheries Act repealed and replaced (as regards England and Wales) eighteen Acts scattered over the past sixty years. A more thorough clearance would of course have been effected if corresponding repeals and replacements had been carried out as regards Scotland too. The Industrial Assurance Act, described as a measure of consolidation and amendment, was cast under stress of circumstances in a form incomplete and incomprehensible in itself, and involving extensive and intricate references to former legislation.

Sequelæ of the War Period.—In 1923, as in other post-war years, Parliament has to improvise upon the four interwoven themes of economy, house-building, rent control and the relief of unemployment, —exercises difficult to express in legislative form. Parliament has also to consider the permanent retention of certain measures originally passed only for the duration of the war. Of these the Special Constables Act (c. 11) provides an example. By an Act of 1831 special constables could be appointed in counties only where tumult or disorder had occurred or was apprehended ; by an Act of 1882 they could be appointed annually in boroughs. There was no power to make general regulations for their control, conditions of service or expenses, until provision was made in 1914 for the war period. In 1923 this provision is made permanent. Power is given to justices to appoint such persons as may be nominated by the Admiralty, the Army Council or the Air Council to do duty as

special constables in place of metropolitan police at armament depots, etc. The call for administrative economy, expressed in the recommendations of Sir Eric Geddes' Committee, explains the Fees (Increase) Act (c. 4), which seeks to enable public departments to recover some or all of the cost of the various services which they perform. In addition to merchant shipping fees, with which it is mainly concerned, the Act deals with fees for petroleum testing, for the registration of business names, for Foreign Office services, verification of weights and measures standards, and the cost of local inquiries.

Imperial Relations.—The consequences of the creation of the Irish Free State, visible on the light of the Court of Appeal judgment in *Rex* v. *Home Secretary, Ex parte O'Brien*,[1] have already been discussed in this *Journal* by Professor Berriedale Keith.[2] The judgment having declared illegal the deportation of certain persons to Ireland and their imprisonment there under Restoration of Order in Ireland Regulation 14B,[3] an Indemnity Act (c. 12) was passed for the protection of the Home Office. Special tribunals are set up for awarding compensation to the deportees. These tribunals are given most of the powers of a court of law by the application of the Tribunals of Inquiry (Evidence) Act, 1921, and are expressly authorized to award and assess costs at discretion.

The presence of Imperial troops in the mandated territory of Palestine raised a question whether the High Commissioner was to be regarded as the governor of a colony or British protectorate for the purpose of approving the execution of a death sentence (see ss. 55(7), 190 (23) (27) of the Army Act). The doubt is removed by the Army and Air Force (Annual) Act, 1923 (c. 3), which applies the Army Act and Air Force Act to mandated territories as they already apply to British protectorates.

The Fighting Services.—There are other amendments of army and air force law. Field punishment is no longer to include attachment to a fixed object (for example, a gun-wagon). The change might have been made by departmental regulation, but, as in the previous similar case when flogging was excluded, it was preferred to have the direct pronouncement of Parliament. The power of dealing summarily with the offences of soldiers, extended in 1919 to cover the offences of junior officers, is enlarged in 1923 to cover those of warrant officers, suitable punishments being prescribed.

Women and Children. — Three measures illustrate the increasing attention given to legislation affecting women and children. The Matrimonial Causes Act (c. 19) allows a wife to "present a petition to the court praying that her marriage may be dissolved on the ground that her husband has, since the celebration thereof and since the passing of this Act, been guilty of adultery." This instalment of divorce law reform, drafted as briefly as possible in order to minimize controversial resistance, omits to repeal s. 5 of the 1884 Act ; it will, however, in fact make that section nugatory, since there will be no need to petition for adultery coupled with desertion. Thus the Divorce Court need no longer hear the letters, blending a wife's affection with a lawyer's subtlety, composed with an eye on s. 5, and asking the absent husband to return.

[1] [1923] 2 K.B. 361.

[2] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. iv, p. 275.

[3] A useful review by the Talbot Committee of the value of the Restoration of Order in Ireland legislation in the light of the *Art O'Brien* case will be found in *Parl. Paper* (1924) Cmd. 2278.

The Intoxicating Liquor (Sale to Persons under Eighteen) Act (c. 28) prohibits sale to persons under eighteen for consumption on licensed premises. It also prohibits the licensee or his servants from allowing consumption by such persons in a bar, and it forbids anyone to buy or attempt to buy alcohol for such consumption. The original proposals were mitigated in two ways: the publican got some protection by the insertion of the word "knowingly," and a proviso was added to allow persons over sixteen to obtain beer, porter, cider or perry as part of a meal consumed at usual meal-times in a part of the premises other than the bar.

The position of the children of unmarried parents is improved by the Bastardy Act (c. 23). The maximum which the putative father may be ordered to pay for the child's maintenance is increased from 10*s*. to 20*s*. An order made at the instance of a board of guardians can be transferred, if the child leaves the district, to the mother or person having custody of the child. The mother's task in obtaining her money is made easier in two ways. She need not take out a fresh summons and begin proceedings all over again if the particular magistrate who granted the original summons dies or leaves the neighbourhood; secondly, the man against whom an order is made must give notice (to any person specified in the order) of any change of address. The Army and Air Force (Annual) Act, already mentioned, makes it easier for a woman to serve a summons on a soldier or airman.

Dangerous Drugs.—The Dangerous Drugs and Poisons (Amendment) Act (c. 5) furnishes fresh weapons against the illicit drug traffic, especially in its international ramifications. Search warrants can be granted by justices (and in Scotland by sheriffs also) on sworn information of reasonable ground of suspicion. This provision is applied to transactions outside Great Britain, where the offence is against any "corresponding law" locally in force. Such law may be certified on behalf of the Government of any country outside Great Britain as being in accordance with the International Opium Convention signed at The Hague in January 1912; and any statement in the certificate is to be conclusive both as a statement of the law and as a statement that the facts constitute an offence against that law. The penal clauses of the 1920 Act are strengthened. The maximum punishment on summary conviction, formerly £200 fine and/or six months imprisonment, becomes £250 and/or twelve months; the maximum on second conviction, formerly £500 fine and/or two years hard labour, becomes £1,000 fine and/or ten years penal servitude. Proceedings on indictment require the prior consent of the Attorney-General or Director of Public Prosecutions: punishment is limited where the accused has acted "in inadvertence" and not as part of a course of other attempts to infringe the law. When a company is the offender, the directors and officers are deemed guilty unless they prove that they neither knew of nor consented to the act constituting the offence. Fresh provision is made for sales to registered medical practitioners, dentists and veterinary surgeons, who are excused certain formalities of signature (under s. 17 of the Pharmacy Act, 1868) when the purchase is for professional purposes. This concession, however, is conditional. There must first be a written and signed order giving the practitioner's name and address and the name and quantity of the drug; the seller must be reasonably satisfied with the signature; the article, if posted, must be registered; and the seller must enter in his

book the words "signed order" and must preserve the written order for two years. In emergency, if the seller is satisfied that the demand is genuine, the poison may be handed over in advance on the practitioner's undertaking to furnish a written order within twenty-four hours. The labelling of poisons is made more elaborate, and provision is made for calculating percentages of liquid preparations.

Explosives. — A terrible accident at a factory at Tipton, where a number of girls were breaking down ammunition, led to the Explosives Act (c. 17), which restricts the employment of young persons in gunpowder factories, magazines and stores, without proper supervision. Young persons under sixteen are only to be employed in processes declared by Order in Council to be not in themselves dangerous: even then they must be supervised by someone over twenty-one years of age. The fine for keeping explosives in an unauthorized or unregistered place is increased from 2*s.* per pound of gunpowder to £100. At the same time the Act gives departmental powers likely to be valuable in times of disturbance. A Secretary of State may prescribe "special precautions" to be taken in special circumstances for the prevention of fires and explosions in factories, magazines, stores or registered premises which are within s. 23 of the Explosives Act of 1875, and for preventing unauthorized persons from access thereto.

Workmen's Compensation. — Another Home Office measure is the Workmen's Compensation Act (c. 42). This was primarily required because certain war-time additions were about to expire and needed replacement. The minimum compensation in fatal cases was raised from £150 to £200, or, where children are left, £600, the award in the latter case being increased by 15 per cent. of the workman's weekly earnings for each child under fifteen years of age left by him. The maximum weekly payment for total incapacity is raised from £1 to 30*s.*; a workman who in such a case would get less than 25*s.* obtains a weekly addition halfway between the maximum and the sum of 25*s.* or his weekly earnings, whichever be the less. There is a new scale also for partial incapacity. Apart from increased benefits the Act overhauls the law in other ways. It was claimed for the original Workmen's Compensation legislation that it would eliminate litigation between employer and employee. The initial phrase, however, "personal injury by accident arising out of and in the course of the employment," has given more employment to lawyers than perhaps any other set of words in the Statute Book.[1] The new Act provides that an accident resulting in death or serious disablement shall be deemed to arise "out of and in the course of" the workman's employment, notwithstanding that, at the time when it happened, he was acting contrary to any statutory or other regulation, or to orders given by or on behalf of his employer or was acting without instructions from his employer, if the Act was done "for the purposes of and in connection with his employer's trade or business." The waiting period is altered. Formerly compensation was payable only if incapacity lasted more than a week, though it could be dated back if the incapacity lasted a fortnight. Men suffering from trivial injuries had an incentive to absent themselves for the fortnight. The new Act gives a waiting period of three days instead of a week, and a dating back if the incapacity lasts four weeks. Other important changes

[1] See, for example, Mr. Marcus Dods' analysis of certain cases in *L.Q.R.* for January, 1923.

relate to the provision of first-aid boxes, the giving of notices of accidents (this may now be done verbally and to a foreman), the registration of lump-sum agreements, the review of weekly payments on fluctuation in the rate of remuneration, the repayment of poor relief granted by a local authority pending the settlement of the workman's claim, the protection of workmen in the event of their employer's bankruptcy, the detention of ships by direction of the Secretary of State, and the treatment of partial incapacity as total incapacity where the injured workman has so far recovered as to be fit for work of a certain kind, and has tried but failed to obtain such work.

The employer may no longer end or diminish weekly payments at his discretion. He can now do so only if the man has returned to work, or has had his wages actually increased, or has been certified by a doctor to be wholly or partially recovered or no longer incapacitated by the accident. Ten days' notice of intention to end or diminish payments must be served on the workman together with a copy of any medical certificate. Within the ten days the workman can then reply with a counter-certificate from his own doctor, and the dispute goes to a medical referee for settlement, the employer being allowed to pay money into Court. There are other fresh provisions as to medical referees. Their services may be obtained on the application of either party, and the liability for their fees is rearranged. The whole scope of workmen's compensation is enlarged in various ways. Taxicab-drivers, golf-caddies engaged through a club, and certain persons (such as bandsmen) employed on ships, but hitherto excluded, are now covered by the word "workman." The Act is made applicable to share fishermen and to aircraft pilots and crews when outside Great Britain. There is also power to make reciprocal arrangements with foreign States by Order in Council.

As will be seen, the new Act is a solid achievement. The experimental stage of such legislation is now past, and, like the law of factories and workshops, the law of workmen's compensation is now ripe for consolidation.

Agriculture.—The English and Scottish Acts consolidating the law of agricultural holdings (cc. 9 and 10) deal with the tenant's right to compensation for improvements or for damage by game or for disturbance of the tenancy by notice to quit, his right to a limited protection from distress for rent, and his property in fixtures and buildings. There are schedules of the improvements for which the landlord's consent is or is not required; there are arbitration provisions, including departmental powers to make rules "for expediting or reducing the costs of arbitrations," and there is a deliberate definition of the "rules of good husbandry"; cultivation in breach of those rules is one of the grounds which disqualify a tenant from the right to compensation for disturbance. *Mutatis mutandis* the English and Scottish Acts follow the same plan.

The Agricultural Credits Act (c. 34) has one feature which helps the landlord. It applies the Land Improvement Acts to facilitate advances for carrying out various improvements (enumerated in s. 65 (1) of the Law of Property Act, 1922) of the permanent kind usually undertaken by a landlord. But the main feature of the Act is the establishment of machinery for long-dated and short-dated credits for farmers. Under the long-dated system men who bought their farms between April 1917 and June 1921 (*i.e.* during the operation of the Corn Production Act,

when prices were high) can obtain mortgages on their farms up to 75 per cent. of the value, with a sixty years sinking fund, and at a rate of interest not to exceed such rate as the Treasury may prescribe. To finance these credits the Public Works Commissioners may (within limits and subject to conditions prescribed by the Treasury) lend money to "approved associations" who will advance it on recognized mortgages "at interest payable at such rate per centum per annum as will, after deduction from such interest of the income tax thereon, yield to the association a net rate of interest." The short-term credit system is to be worked through "agricultural credit societies" which the Minister of Agriculture is directed to take steps to organize, the object of the societies being to lend money to their members repayable within five years for approved agricultural purposes. An Agricultural Credit Account is to be formed. From this the Minister may make advances to the societies for three years or longer if the Treasury permits: public money may be advanced to an amount equal to the share value held by members of a society, but members need not pay up more than 5*s.* in the pound. The Act applies to Scotland with a separate Scottish Account and with the substitution of the Scottish Board of Agriculture for the Minister of Agriculture.

The farmer is further helped by the Agricultural Rates Act (c. 39) which operates till April 1925. Under an Act of 1896 the occupiers of agricultural land in England (or of agricultural land and heritages in Scotland) are relieved from rates to the extent of 50 per cent. The 1923 Act increases the relief by a further 25 per cent. The deficiency is to be made good by an annual additional grant issued in certified amounts from the Local Taxation Accounts for England and Scotland to the local authorities who spend the produce of the rates. Anyone who has already paid rates in excess of what is necessary can adjust the overpayment on subsequent instalments. This relief from rates is not to be taken into account by an arbitrator in fixing the rent properly payable for a holding under the Agricultural Holdings Act.

Fisheries.—The Salmon and Freshwater Fisheries Act (c. 16), already cited as an example of successful consolidation, embodies the previous English law in ten parts. These deal with the prohibition of certain modes of taking and destroying fish, the obstructions to the passage of fish, the times for fishing and for selling and exporting fish, fishery districts and fishery boards, licences, inspection and supervision, and legal proceedings and evidence. The Act not only increases the previous penalties but also alters the previous law in other directions. First, it reorganizes and strengthens the local fishery authorities. Where they have become defunct, the Minister of Agriculture and Fisheries can revive them. Their title is changed from boards of conservators to fishery boards. Secondly, the Act offers a more active opposition to river pollution; non-salmon rivers obtain as much protection as salmon rivers; the procedure of prosecution is simplified; fishery boards are empowered to take action, the initiation of legal proceedings being thus not entirely left to sanitary authorities, who are themselves sometimes the worst offenders. Thirdly, the Act mitigates the perils of over-fishing by regulating netting and by controlling the modification of close time. Finally, it bears in mind the man who fishes for coarse fish, and it protects fish other than salmon and trout. The licensing provisions relating to salmon and trout fishing can be extended by departmental order to fresh-

water fish generally or locally. Where such extension is made, persons licensed to fish with rod and line for freshwater fish can obtain representation on the local fishery board. Freshwater fish are defined as:

> Any fish living in fresh water exclusive of salmon and trout and of any kinds of fish which migrate to and from tidal waters and of eels and the fry of eels.

"River" includes "stream," and "stream" may be extended for the purpose of the Rivers Pollution Prevention Acts to include the sea or tidal waters within limits determined by order of the Minister of Health after a local inquiry, subject to the usual provisions for notice and objection.

A proposed clause for compulsory registration of sellers of salmon and trout, intended as a deterrent to poachers, was rejected by Parliament. The Act, however, prohibits the sale of salmon (with ample savings for canned or other preserved salmon and with a special provision as to fish lawfully netted) for the five months from the end of August, the burden of proof being placed on the seller. Sale of trout (except rainbow trout) is prohibited during the six months after August with a saving for artificial propagation or the stocking of waters. There is a further prohibition on the exporting of unclean salmon or trout, or salmon or trout caught in months when sale is prohibited: the burden of proof is laid on the exporter, and customs provisions are tightened. Consignment by common or other carrier is restricted; packages must be conspicuously marked "salmon" or "trout"; and the police or other officers (including representatives of the historic Fishmongers Company) are entitled to open and detain packages. Licensees, members of fishery boards, water bailiffs and constables are authorized to require a fisherman to produce his licence, and to furnish his name and address. The sponsors of the Act had many conflicting interests to reconcile. Manufacturers were anxious about trade effluents into rivers from existing factories, net fishermen wanted protection, and local claims required adjustment. In particular the creation by the Act of a Solway Fisheries District under joint English and Scottish departmental supervision effected a compromise where in the past there had been controversy.

Housing.—To the Addison Act of 1919 and the Mond Act of 1921 the year under review added the Chamberlain Act of 1923 (c. 24). It is called the "Housing, etc., Act" because it is not strictly confined to housing. It enlarges, for instance, the facilities given by the Small Dwellings Acquisition Act of 1899, whereby occupiers can obtain advances to purchase their houses. The like facility is granted to persons intending to construct houses; the market value limit is raised from £800 to £1,200; the stipulation that the occupier must reside in the house for three years after the date of the advance may be waived; and acceptance of an advance is not to disqualify anyone from election to membership of the local authority. There are also town planning provisions. The time within which boroughs and urban councils are to prepare town planning schemes under the 1919 Act is liberally extended. The Minister of Health may authorize special schemes where there is "special architectural historic or artistic interest attaching to a locality . . . with a view to preserving the existing character and to protecting the existing features of the locality."

The housing provisions of the Act give a Government contribution of £6 for twenty years towards the expenses of local authorities in promoting the construction of houses. If the assistance given by the local authority is less than £6, then the State grant is correspondingly less. If the local authority is itself constructing the houses, the grant is conditional on the Minister being satisfied that the needs of the district can be better met in this way than by private enterprise. The houses must be either:

(*a*) A two-storied house with a minimum of 620 and a maximum of 950 superficial feet; or

(*b*) A structurally separate and self-contained flat or a one-storied house with a minimum of 550 and a maximum of 850 superficial feet;

such measurements being calculated in accordance with rules made by the Minister;

Provided that, if the local authority in any particular case satisfy the Minister that, having regard to special circumstances existing in their area, there is a need for houses of smaller dimensions, the minimum measurement may be reduced, as respects such limited number of houses for that area and subject to such conditions as the Minister may determine, in the case of a two-storied house to 570, and in the case of a flat or a one-storied house to 500, superficial feet.

Except where otherwise approved by the Minister on the recommendation of the local authority, every house or flat to which this section applies shall be provided with a fixed bath.

Local authorities may make grants by paying a lump sum after completion, or by contribution to the person who is responsible for the rates, or by payment of any part of the periodical sums payable to a building society. The local authority may make its own conditions—

Including a condition that during such period as may be specified by the local authority, the house shall not be used otherwise than as a separate dwelling-house, and no addition thereto or enlargement thereof shall be made without consent of the local authority.

This last precaution is to prevent ingenious persons from building adjacent houses with a grant on each, and then knocking down a partition wall or otherwise making a connexion so as to get one large house out of the two. The State is also authorized to make advances direct to public utility societies or bodies of trustees interested in housing: local authorities, too, may make advances on mortgage (up to 90 per cent. of the value of the mortgagor's interest and subject to a limitation of £1,500 per house) for the increase of housing accommodation, either by new construction or alteration, such as the conversion of houses into flats.

There are other miscellaneous amendments of former Housing Acts. The condition that local authorities may not sell their houses to an employer for occupation by his workpeople is abolished; the rigidity of by-laws may be mitigated; local authorities obtain a new right of entry upon property where slum clearances are proposed, and a new power to ascertain the name and address of a superior landlord with a view to houses being made "reasonably fit for human habitation."

Rent Control.—Until such encouragements as are above described lessen the shortage of housing accommodation rent control and its

attendant complications remain. In May 1923 the Increase of Rent and Mortgage Interest (Restrictions) Act of 1920, then about to expire, was continued to the end of July (c. 7). This allowed time to consider further alterations. Meanwhile, a judicial decision of the House of Lords gave publicity to a fact already familiar to readers of the law reports, namely, the extreme difficulty of improvising statutory modifications of the contractual relationship of landlord and tenant. Not intrinsically of vast importance, the point necessitated fresh legislation. It will be recalled that the original Rent Restriction Act of 1915 standardized house-rents within certain limits at their pre-war figure: no increase over that figure was recoverable in the Courts. By legislation culminating in the 1920 Act, an increase up to 40 per cent. upon the "standard" (or pre-war) rent was allowed, to cover the landlord's increased rates and costs of repairs; but, before the increased rent could be exacted, notices of the increase had to be given in a form scheduled to the Act. Such notices were duly given in thousands of cases and were generally accepted as sufficient. The 1920 Act, however, contained these words (s. 3 (1)):

> Nothing in this Act shall be taken to authorize any increase of rent except in respect of a period during which but for this Act the landlord would be entitled to obtain possession.

After conflicting decisions in the English and Scottish Courts the highest tribunal decided by a majority judgment in *Kerr* v. *Bryde* ([1923] A.C. 16) that notice to quit must be given before or with a notice of increase of rent. Forthwith certain tenants, who had been paying increased rent on what now proved to be invalid demands, profited by the misunderstanding and sought to deduct past overpayments from future payments. The Rent Restrictions (Notices of Increase) Act of 1923 (c. 13), which drew from opponents the usual condemnations of the vice of retrospectiveness in legislation, was passed to meet the difficulty. It gave retrospective validity to the notices of increase which had not been accompanied or preceded by notices to quit. Payments and deductions made before December 1, 1922, were to hold good. On the other hand, tenants were helped, inasmuch as arrears recoverable between that date and the passing of the Act were to be paid by instalments, which should not exceed an addition of 15 per cent. to the standard rent, and the increase was made conditional on the house being in a proper state of repair and reasonably fit for human habitation.

Finally, at the end of July, Parliament passed a new Rent and Mortgage Interest Restrictions Act (c. 32). It is in two parts. Part I prolongs the duration of the 1920 Act to a date in 1925 (June 24 in England and May 28 in Scotland) with the following modifications. Control is removed from dwelling-houses as they become vacant, except where the landlord is regaining possession for non-payment of rent, or is guilty of misrepresenting facts. There is a special arrangement where separate parts of dwelling-houses are occupied by sub-tenants, and also for decontrol on the granting of fresh leases. County Courts in England and Sheriff Courts in Scotland are allowed to correct *bona fide* mistakes and omissions in landlord's notices, and are given a general power (on application of either landlord or tenant) to determine summarily any question as to the amount of the rent, standard rent or net rent of any

dwelling-house within the Rent Restriction Acts. The Act will hardly lessen litigation. The word "reasonable" or "reasonably" (reasonable price, reasonable state of repair, dwelling-house reasonably required for occupation, etc.) occurs ten times over. One notorious evasion is stopped. Parliament having prohibited the taking of premiums as a condition of the grant or renewal of a tenancy, a practice arose of demanding fancy prices for furniture and fixtures instead. Anyone on whom such a demand is now made is entitled to have the price of the furniture, etc., stated in writing: if the price exceeds the reasonable price of the articles, the excess is to be treated as if it were a premium. A remedy is also given against a tenant who demands that furniture or other articles be purchased as a condition of giving up possession. Where rent includes payments in respect of attendance or the use of furniture, the tenancy is not to be deemed within the Act "unless the amount of the rent which is fairly attributable to the attendance or the use of the furniture, regard being had to the value of the same to the tenant, forms a substantial portion of the whole rent." Tenants, we have already seen, need not pay a statutory increase of rent if the house is not in reasonable repair. To simplify the procedure, a tenant can obtain from the local sanitary authority a certificate of non-repair, and, having served a copy of it on the landlord, can produce it in Court as evidence of the state of the house, and as a defence to the landlord's claim for an increase of rent or for recovery of possession. The statutory restrictions on the right to recover possession are restated in a lengthy section. The new features are as follows. The original law allowed recovery if the tenant, or anyone living with him, had let the premises deteriorate, or had caused a nuisance to adjoining occupiers, or been convicted of using the place for an illegal or immoral purpose: there was no remedy if it was a lodger or sub-tenant who was at fault. The new Act gives this remedy, provided that the tenant has not "taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant." A landlord is allowed to recover possession of a house reasonably required as a residence for his son or daughter if over eighteen years of age, or for an employee or person who is engaged as an employee conditionally on housing accommodation being available. Recovery of possession is in this last-named case conditional upon alternative accommodation being available for the outgoing tenant; "alternative accommodation"—a phrase which had been much canvassed in the County Courts—must be "reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent, character and proximity to place of work," and must be either in a house within the Acts or a house "let as a separate dwelling on terms which will afford to the tenant security of tenure reasonably equivalent." Possession may also be recovered if the house is wanted for the statutory purposes of a local authority or a statutory undertaking, or for any purpose in the public interest, or, when it consists of or includes premises licensed for the sale of intoxicating liquor, if the tenant has committed an offence as licensee, or has not conducted the business satisfactorily, or if renewal of the licence has been refused.

So much for the immediate changes. Part II of the Act is for a future stage on the road towards decontrol. When the continuance of the 1920 Act effected by Part I comes to an end in 1925, Part II comes into force and continues till 1930, unless repealed earlier by Order in Council on resolution passed by both Houses of Parliament. In this future period

between 1925 and 1930, orders or judgments for possession or ejectment may be refused, or their execution may be postponed if the Courts consider the proceedings are harsh or oppressive or likely to cause exceptional hardship to the sitting tenant. With the idea that this provision will still further multiply the burden laid on the shoulders of the County Court judge, it is enacted that reference committees may be established to assist the Court. The constitution and procedure of these committees is to be as prescribed by regulations of the Ministry of Health; the regulations will not take effect unless they are approved by positive resolution of both Houses of Parliament. Apart from a section similarly restricting the calling in of mortgages, where exceptional hardship is likely to be caused, the chief remaining provision of Part II is the grant of power to the County Court to reduce rent on application of the sitting tenant, if the house is not in a reasonable state of repair and the condition of the premises is not due to the tenant's neglect or default.

Mining and Transport.—At the end of the war the Ministry of Reconstruction set up a committee under Lord Haldane on coal conservation and another under Sir Leslie Scott on the acquisition and valuation of land. One result of the labours of these two bodies was the Mines (Working Facilities and Support) Act (c. 20), which largely reflected agreement between mine-owners, royalty-owners and railway companies. Part I deals with the right to work minerals. Working has sometimes been impracticable for technical reasons of property law or for want of the necessary concurrence of several owners. If so, and if the minerals are owned in such small parcels that they cannot conveniently be worked separately, or if persons working adjoining mines have agreed to adjust boundaries but cannot induce the lessors of the mines or the owners of the surface to concur, persons interested may apply to the Board of Trade for working rights. If a *prima facie* case is made out, the Board will refer the application to the Railway and Canal Commissioners, who, "if it is expedient in the national interest," may make an order (for such periods and on such conditions as is thought fit) vesting the right of working in the applicant. Ancillary rights of letting down the surface, air-ways, shaft-ways, underground way-leaves, water supply or water disposal, may be granted to facilitate the work; but no rights are to be given unless it is reasonably clear that private agreement cannot be reached because the interests are numerous or conflicting, or the owners cannot be found, or there is some obstacle in title or status, or there is an unreasonable refusal to grant a right or a demand of unreasonable terms. The Railway and Canal Commission can hold local inquiries and has an unlimited discretion as to costs. Compensation or consideration may be paid into Court if the person to whom it is payable cannot be found or ascertained. Payment of compensation (or security for such payment) in advance may be ordered.

Part I also deals with support. Here, by similar procedure, persons interested in land and not entitled to sufficient support for buildings or works above or below the surface, if they allege that private arrangements cannot be made for the reasons already mentioned, may apply to the Board of Trade for the imposition of restrictions necessary to secure sufficient support. Here also the Railway and Canal Commissioners may make orders "if it is expedient in the national interest." Where ancient monuments are concerned, the local authority or the Office of Works may apply.

Part II concerns minerals under railways and recalls the decision in *Howley Park Coal and Cannel Co.* v. *L. and N.W. Railway* ([1913] A.C. 11). Under the Railways Clauses Consolidation Act of 1845, railways running through coalfields were protected *inter alia* from undermining. The owner could work minerals alongside after giving notice to the railway, unless the latter replied to the notice by purchasing the minerals. Railways were thus protected for 40 yards on either side of the line. In the Howley Park case the House of Lords held that railways could have a common law right to support outside that statutory area. The decision meant that no colliery company would risk operations near the 40 yards limit for fear of an injunction, and thus colliery-owners, land-owners and royalty-owners suffered and the country lost the coal. Part II of the 1923 Act defines an "area of protection" as either the old statutory width of 40 yards or a width equal to half the depth of the seam of coal below, whichever width is the greater. If the lateral distance exceeds 40 yards, the 40 yards width is called the inner area and the excess is called the outer area. The respective rights and liabilities of colliery, land-owner and railway are then rearranged as follows. The mine-owners and royalty-owners are better off because under the 1923 Act the railways surrender the common law right of support which the Howley Park case established. Being better off, they accept liability to contribute a limited percentage of the expenses incurred by the railway in making good the damage caused by unauthorized workings within the area of protection, and they receive compensation for unworked minerals on the basis that the proportion of compensation in the outer area is one-third of the compensation in the inner area. This rearrangement, with its accompanying details, is set out in new clauses which are substituted for that part of the 1845 Act which deals with minerals under railways.

A brief Railway Fires Act (c. 27) enlarges the liability of railway companies for damage to crops by fire arising from sparks or cinders from engines. The limit, formerly £100, becomes £200, and the time within which the farmer must give written particulars of the damage is enlarged from fourteen to twenty-one days. The Railways (Authorization of Works) Act (c. 30) extends for two years a power of the Minister of Transport to sanction schemes of work, the limit of expenditure being increased from £100,000 to £500,000 in the hope of relieving unemployment.

Unemployment.—With the full force of the post-war crisis in industry now developing, the Unemployment Insurance Act, 1923 (c. 2) has to meet still wider claims. The system is moving further away from the actuarial scheme of what was known as "covenanted benefit"—a scheme under which a man or woman could claim one week's benefit for six contributions, and could claim nothing till twelve contributions had been paid. It is moving further towards "uncovenanted benefit," *i.e.* benefit in advance of contributions, benefit given on the faith of contributions to be paid in the future. The 1923 Act defines a new period as the "benefit year," beginning in mid-October and therefore distinct from the old insurance year which ran from July. New provisions are made for the maximum number of weeks for benefit, and for the gaps before resumption of receipt of benefit. Power is taken to deduct from future benefit payments any sum improperly received. The increased benefit for dependent wives and children is continued. An important section

as to finding juvenile employment co-ordinates the work of labour exchanges and local education authorities; the latter are given the main responsibility in respect of persons under eighteen.

Another consequence of increased unemployment is the Local Authorities (Emergency Provisions) Act (c. 6) which continues measures extemporized to meet the financial strain on poor law administration. The fixing of a flat rate of 9*d.* per day for each person receiving outdoor relief equalizes the contributions of the richer and poorer London boroughs to the Metropolitan Common Poor Fund. Scottish parish councils are allowed to contribute to the expense of works of public utility for relief of distress amongst destitute able-bodied persons who would otherwise be unemployed: such relief is not to affect the man's acquisition or retention of a "settlement"—*i.e.* three years' residence in a parish without poor relief.

Finance.—No striking innovations are introduced by the Finance Act (c. 14) except the establishment of a new sinking fund. The usual budget adjustments allowed certain reliefs of taxation. As for income-tax, among other changes the liability of the profits of assurance companies is restated; double income-tax on shipping profits is mitigated; and the salary of High Commissioners and Agents-General and their staffs is exempted. Better allowances are given for repairs, and a longer period (six years) is permitted for claims for repayment of tax.

The Isle of Man (Customs) Act (c. 26) continues various duties. The East India Loans Act (c. 31) sanctions specific borrowing and simplifies the counter-signature, etc., of bonds issued by the Secretary of State, as well as giving power to redeem securities at a premium and to offer options for conversion.

Public Administration.—The Forestry (Transfer of Woods) Act (c. 21) made it possible to hand over to the Forestry Commissioners (as has since been done) all property and rights in woods and forests belonging to the Crown or any Government department, and controlled by the Commissioners of Woods. In the unlikely event of the Civil List being discontinued, the hereditary revenues are to be compensated on the basis of the value of the rights and interests at the date of transfer. The Commissioners of Woods, Forests and Land Revenues (who were so named a century ago) may be renamed "as may seem appropriate" in view of the disappearance of their interest in woods and forests.[1]

The Alderney (Transfer of Property, etc.) Act (c. 15) allows property and rights in the Island of Alderney belonging to His Majesty or any Government department to be transferred by Order in Council to any Government department or to the States of Alderney or any person appointed by the States.

Local Government.—The cost of educating children who are resident in workhouses and charitable institutions in England and Wales, but who do not belong to the area in which they attend school, is adjusted by the Education (Institution Children) Act (c. 38), so that local ratepayers are not saddled with this expense merely because the child's residence is within their district. Arrangement is also made for the education expenses (but not the cost of boarding) of children resident in an institution or belonging to the area of another local education authority who are blind, deaf, defective or epileptic.

[1] They have been renamed Commissioners of Crown Lands: see *S.R. & O.* 1924 (No. 1380), p. 228.

The War Memorials (Local Authorities' Powers) Act (c. 18) embraces the councils of counties, county boroughs, metropolitan or other boroughs, urban districts and parishes, and, in rural parishes where there is no council, parish meetings. The Act removes all doubts as to the power of these bodies to " incur reasonable expenditure in the maintenance, repair and protection " of war memorials within their districts. The Act appears not to include Scotland, where presumably sufficient authorization already exists.

Industrial Assurance.—A departmental committee, presided over by Lord Parmoor, produced in 1920 a unanimous report on certain grave abuses in the conduct of industrial assurance. Poor persons, paying their weekly premiums in pennies, were found to have obtained benefits disproportionately small in relation to the expenses of administration, or to have lost their money altogether through the unsound finance or the transitory existence of the concerns which undertake this kind of business. Approximately four-fifths of such insurance was being done by large companies incorporated under the Companies Acts with a share capital of limited liability and subject to the jurisdiction of the Board of Trade. The remaining fifth was being transacted by collecting societies registered under the Friendly Societies Acts and subject to the jurisdiction of the Registrar of Friendly Societies. The Committee's report (*Parl. Paper*, 1920, Cmd. [614]) is the best explanation of the complicated Industrial Assurance Act of 1923 (c. 8). The Act defines industrial assurance and gives control thereof to the Chief Registrar of Friendly Societies who is renamed the Industrial Assurance Commissioner. If he has reason to believe that an offence is being committed, he has power to inspect books, hold an inquiry, and dissolve a society or petition for the winding-up of a company. Collecting societies must all have a name ending with the words " Collecting Society," and, for greater security of the policy-holders, they must deposit £20,000 just as insurance companies have been obliged to do. Companies carrying on industrial as well as general insurance, must make separate deposits for each. It is expressly enacted that collecting societies and industrial assurance companies may issue policies for insuring the funeral expenses of parents, grandparents, children, grandchildren, brothers and sisters. The scale of sums insurable on children's lives is increased by words intended to be substituted in the Act of 1896 but unfortunately a verbal misfit. Illegal policies are prohibited. Policies (which must set out certain specified sections of the Act) and copies of societies' rules are to be delivered free. Policies and premium receipt-books must be returned within twenty-one days of inspection. Societies and companies must submit their accounts to the Commissioner. If the accounts are unsatisfactory he can reject them and require them to be set right. Valuations (which are to be certified by a public accountant) are also subject to control by the Commissioner. On a deficiency of assets when compared with liabilities he may dissolve the society or petition for the company to be wound up. Unless the insured person is guilty of fraud or makes a misstatement as to age, societies are not to dispute proposal forms.

Misstatements as to age can be adjusted; misstatements as to health may make the policy void within two years. The special canvasser is eliminated. Insured persons must have notice before a policy lapses; on lapse they will be entitled either to a cash payment if the owner is, or *bona fide* intends to be, permanently resident outside Great Britain,

the Isle of Man and the Channel Islands, or to a free paid-up policy for an ascertained proportion of value. Lapse of policy will not mean complete forfeiture, but the operation of this provision is postponed till June 1928. Meanwhile, the war-time provisions of the Courts (Emergency Powers) Act, 1914, in so far as it relates to the enforcement of lapses, are repealed and replaced. Transfers from one society to another are not to be made without consent of the insured person, given on a prescribed form and witnessed by a justice of the peace who must explain the effect of the consent. The wholesale amalgamation of societies, whereby persons might find themselves members of a new and less stable undertaking, is restricted. In addition to the settlement of questions in the County Court or (in cases under £25) by justices, disputes can be referred to the Commissioner in cases under £50 or above that limit if both parties consent. Bond investment business is defined and dealt with afresh. War bond policies, *i.e.* arrangements (often of an ambiguous character) offered by certain concerns during the war to patriotic persons anxious to buy war bonds by weekly or monthly premiums, may be overhauled and altered by the Commissioner. The Act substantially covers all the recommendations of the Parmoor Committee. The law as thus amended might now with advantage be consolidated in a single Act.

Scotland.—The Agricultural Holdings (Scotland) Act has already been mentioned. The only other purely Scottish Act of 1923 is the Town Councils (Scotland) Act (c. 41). It allows four more days for election arrangements, authorizes the extension of polling hours (which must, however, not begin before 7 a.m. or continue after 9 p.m.), permits a returning officer to appoint deputies (as at parliamentary elections) where a burgh is divided into wards, and allows him also to proceed with the counting of votes during the hours between the closing of the poll and 9 a.m. next morning.

Miscellaneous.—The Empire Cotton-growing Corporation received with its royal charter in 1921 a substantial grant from the proceeds of the control of Egyptian cotton during the war. The grant was to be supplemented by contributions from the trade. The Cotton Industry Act (c. 22) fixes the contributions of cotton-spinners at 6*d.* per 500 lbs. gross weight of cotton purchased, and empowers the corporation to collect the amounts. Spinners must render such accounts as will show what is due, and the corporation can arrange to collect the dues through the Liverpool and Manchester Cotton Associations or otherwise.

The Dentists Act of 1921 prohibited unqualified men from practising until they passed a qualifying examination ; candidates for that examination had to be twenty-three years of age before the date of the passing of the Act (July 18, 1921). This limit, it was found, shut out ex-service men. A Dentists Act of 1923 (c. 36) remedied the position. Certain words in the Act (" served during the late war in His Majesty's forces ") are perhaps more elastic than was intended.[1]

There was a brief Merchant Shipping Act (c. 40). Parliament in 1906 placed on the shipowner the cost of medical and surgical treatment and maintenance of masters and seamen suffering from injuries and illnesses, but made an exception in the case of venereal disease. That exception is now removed.

A more lengthy enactment was the Universities of Oxford and Cam-

[1] See the interpretation in *Binns* v. *Dental Board* (1924), 40 T.L.R. 699.

bridge Act (c. 33), which gives effect to the report (*Parl. Paper*, 1922, Cmd. [1588]) of the Royal Commission of which the Earl of Oxford and Asquith was chairman. It sets up commissions for each university with power to make statutes for the universities and the colleges along the lines of the report. In making this limitation the Act recalls the London Act of 1898 rather than the earlier Oxford and Cambridge Act of 1877: in most other respects the precedent of the latter Act is followed, certain variations being set out in a schedule. The vexed question of the admission of women to full membership of the University of Cambridge is not mentioned in the Act, though the Royal Commission's report expresses a definite opinion. The Act gives power to establish superannuation funds for employees who are not members of the administrative or teaching staff of colleges or universities. Assurances of land to college or university are exempted more fully than before from the obligation to obtain a licence in mortmain.

Delegated Legislation.—The number of Statutory Rules and Orders registered under s. 3 of the Rules Publication Act during 1923 was 1,624, as against 2,110 for 1921 and 1,450 for 1922. This body of Orders in Council, rules of procedure and departmental regulations includes much that is necessary for the detailed working of the Acts of the year. Among the Statutory Rules and Orders of 1923 are important new codes regulating air navigation and the administration of prisons in Scotland. The annual volume of these Rules and Orders contains also in its appendix the important prerogative orders setting up a Legislative Council in Ceylon, and providing for the annexation of, and the constitution of responsible government in, Southern Rhodesia.

2. ISLE OF MAN.

[*Contributed by* L. S. Kneale, Esq.]

The Acts for 1923, being for the most part of a local nature, are not of sufficient importance to justify a summary.

3. JERSEY.

[*Contributed by* E. T. Nicolle, Esq., *Vicomte of Jersey*.]

Seignorial Rights.—An Order in Council of April 11, 1923, confirms a law passed by the States of Jersey on the Commutation of Seignorial Rights, whereby the lord of a fief in the island is compelled to accept commutation from any of his tenants at the rate of 4 per cent. as regards land, and 3 per cent. as regards buildings.

Dangerous Drugs.—An Order in Council dated December 19, 1923, confirms a Law passed by the States of Jersey on Dangerous Drugs, which brings local legislation on this subject into line with that of the British Parliament.

4. NORTHERN IRELAND.

[*Contributed by* Sir Arthur S. Quekett.]

The third session of the Parliament of Northern Ireland was opened by the Governor (His Grace the Duke of Abercorn, K.P.) on Tuesday, February 27, 1923, and was brought to a close by prorogation on Tuesday,

November 27, 1923. Thirty-seven Acts were passed, including four private Acts. Some of these are not dealt with in this Summary because they relate to supply and appropriation or to minor matters of purely local interest or of an administrative character.

Education.—Prior to the passing of c. 21 (the Education Act [Northern Ireland],) educational administration in Ireland had never been fully co-ordinated. There existed formerly several Irish Government Departments having educational functions, viz. the Commissioners of National Education, the Intermediate Education Board, the Commissioners for Endowed Schools and the Department of Agriculture and Technical Instruction. Local authorities for educational purposes existed only to a limited extent, some of them having functions with respect to technical instruction and some, where an Irish Act of 1892 was in force, with respect to compulsory school attendance. Not long before the establishment of the Parliament and Government of Northern Ireland, a Bill was introduced into the House of Commons for setting up a local education authority for Belfast; and subsequently Mr. Ian Macpherson, when Chief Secretary for Ireland, introduced a Bill for co-ordinating Irish educational administration. Neither of these measures became law. As soon as Northern Ireland became a unit of government a step was taken towards co-ordination, by the passing of the Ministries of Northern Ireland Act, 1921,[1] which, amongst other things, contained provisions under which the Ministry of Education became the sole Department for carrying out, as regards Northern Ireland, the functions of the four Irish Departments mentioned above. The Minister of Education was thus put in a position to deal comprehensively with education in all its aspects, and the present Act was framed upon the recommendations of a Committee appointed by him to consider the direction which educational reform should take.

Part I of the Education Act sets up, in the first place, an Advisory Council for advising the Ministry of Education on educational matters.

This part of the Act also constitutes the council of each county and county borough in Northern Ireland as an education authority for its own area. The education authority is to act through a statutory committee, except when exercising certain reserved powers, namely:

(*a*) The raising of money by rate or loan;

(*b*) The acquisition of land;

(*c*) Any other particular powers specified in an approved scheme as being suitable for delegation to a committee.

This division of powers as between the parent body and its committees runs through the entire statute, which designates the education authority for the exercise of all the powers, whether reserved or not, but at the same time provides that, in exercising the powers which are not reserved, the authority is to act through its education committee or regional education committees. The education committee of a county borough council acts over the whole county borough; the education committees of a county council are "regional"—that is to say, they act over particular urban and rural districts within the county, these districts being specified in an approved scheme. A scheme can assign to a single regional educational committee a single urban or rural district only, or all the urban and rural districts in the county, or, between these extremes, a group of such districts. The region is to be "an area suitable for

[1] See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 17.

educational purposes, having regard to population, rateable valuation, geographical considerations, and existing or prospective educational facilities." The committee is to consist in general of not less than fifteen nor more than twenty-one members, and is to include persons appointed by the education authority either from members of their own body or partly from those members and partly from other persons, and also persons similarly appointed by the district councils. This system is akin to the English system in making the county council the "pivotal" body, but differs from that system in allowing the county to be divided into educational regions. It is further removed from the Scottish system under which the education authority is an *ad hoc* body.

Part II deals with the framing of schemes by each education authority for carrying out the administration of the Act in its area.

Part III deals with the three classes of schools for elementary education, viz.:

Class I.—New schools provided by the education authorities themselves, and the existing "National" schools transferred to them.

Class II.—"National" schools not so transferred, but accepting a representative committee of management.

Class III.—"National" schools retaining their existing management. In the Act, Class I schools are called "provided" or "transferred" schools, and Classes II and III are called "voluntary" schools. By an Order made under the Act the title "National School" was abolished and "Public Elementary School" substituted therefor.

Part IV gives the education authorities power to promote all forms of higher education (including technical instruction) whether by means of rate aid given to schools or institutions under outside management, or by providing new schools or institutions, or taking over existing schools or institutions.

Part V regulates the giving of religious instruction in public elementary schools upon principles intended to carry out the constitutional safeguards contained in s. 5 of the Government of Ireland Act, 1920,[1] and Article 16 of the Treaty confirmed by the Irish Free State (Agreement) Act 1922 (12 Geo. V, c. 4).[2]

Part VI strengthens the law relating to compulsory school attendance, and makes it of general application instead of adoptive as under the Irish Education Act, 1892. Compulsory school attendance applies in the case of every child between the ages of six and fourteen, or, if specially prescribed by a by-law of the local education authority, between the ages of five and fourteen.

Parts VII and VIII reproduce, and extend, the former Irish law upon the subject of the employment of children and young persons, and the health and well-being of school children. As regards the employment of children, the following restrictions may be noted:

(*a*) A child under the age of twelve must not be employed at all;

(*b*) Between the ages of twelve and fourteen employment of children is subject to restriction;

(*c*) A child under the age of fourteen is not to engage or be employed in street trading, nor be employed in a manner likely to be injurious to the child.

(*d*) Street trading by children and young persons between the ages

[1] See *Journal of Comparative Legislation*, Third Series, vol. iv, pt. ii, p. 7.
[2] *Ibid.*, vol. vi, pt. ii, p. 2.

of fourteen and sixteen is to be subject to regulation by by-laws of the local education authority.

Part IX places upon a definite statutory basis the duties both of parents and of local education authorities towards the various descriptions of afflicted children. It provides that the duty of a parent to cause his child to attend school shall, in the case of afflicted children, include the duty to cause the child to receive instruction suitable to such child and that the duty is to continue, in the case of an afflicted child, until the child has reached the age of sixteen years.

Part X is a co-ordinating provision for bringing the educational side of Reformatory and Industrial Schools under the control of the Ministry of Education.

Part XI contains provisions relating to the training, tenure of office, salaries and pensions of school teachers.

Part XII deals with the rating and borrowing powers of the education authority, and lays down the scope and conditions for parliamentary grants in aid.

Part XIII promotes further co-ordination by enabling certain provisions of the Act to be applied for the benefit of teachers in agricultural subjects.

Part XIV contains provisions which are, for the most part, administrative and consequential upon the main enactments of the statute.

Part XV contains a provision enabling the Governor, by Orders in the Privy Council of Northern Ireland, to put the Act into force step by step, either according to its particular provisions, or according to particular authorities and education areas. This power has been exercised in a series of Orders fixing " appointed days," and the entire statute has been in operation since April 1, 1925.

Intoxicating Liquor.—C. 12 amends the liquor licensing laws in several important respects. S. 1 provides for the closing of licensed premises on Sunday and Christmas Day throughout Northern Ireland, except as regards sales of intoxicating liquor in hotels, for consumption at the same time as a substantial meal by persons who have either lodged the preceding night, or propose to spend the succeeding night, in the hotel. This section, together with provisions in the Schedules, changes the existing law by establishing complete Sunday closing in Belfast, and abolishing the sale of intoxicating liquor to *bonâ fide* travellers on licensed premises, other than hotels, during the hours of closing. S. 2 provides for the abolition of licences for the sale of intoxicating liquor for consumption off the premises, in cases where any trade other than the sale of intoxicating liquor or table waters was carried on on September 30, 1923, and made it unlawful for mixed businesses to be carried on after that date. S. 3 provides for the payment of compensation in cases where, by virtue of s. 2, off-licences were not renewed, and where on-licences are lost by reason of inability to comply with the provisions of the Act as to structural separation of licensed premises. S. 4 is intended to prevent the drinking of methylated spirits and methylated ether; it places the sale of both classes of spirits on the same basis as the sale of poisons, and makes the mere drinking of such spirits an offence; the section also provides that licences for the sale of methylated spirits by retail are not to issue without a certificate granted by a Court of Summary Jurisdiction. S. 5 prohibits the sale or delivery of intoxicating liquors to persons under the age of eighteen years, and prohibits females under

that age from being employed in such sale or delivery. S. 6 requires the part of any licensed premises which is used for the licensed trade to be separated from the remainder of the premises, and to be arranged in such manner as will facilitate police supervision and the proper conduct of the business. S. 7 enacts various minor amendments in the laws relating to liquor licensing and to the registration of clubs. S. 8 provides for the forfeiture of licences by persons convicted of certain major offences, and for forfeiture and disqualification where successive convictions have been obtained for lesser offences. S. 9 re-enacts, with amendment, certain restrictions on the issue of new licences contained in the Licensing (Ireland) Act, 1902, which was a temporary Act continued from year to year. S. 10 enables the Minister of Home Affairs to order the closing of licensed premises on the days of nomination and polling at a parliamentary election. S. 11 provides that all licensing applications and all cases (except simple drunkenness) under the licensing laws are to be heard before a Court consisting of two or more resident magistrates, with an appeal to the Recorder or County Court judge sitting alone. It also provides that licensing Quarter Sessions are to be held by the Recorder or County Court judge sitting alone, and deals with appeals by the police and general penalties for offences under the Act.

Housing.—C. 19 was passed in order to implement s. 3 of the Irish Free State (Consequential Provisions) Act, 1922 (13 Geo. V, c. 2, session 2). That section set up a body called " The Irish Sailors and Soldiers Land Trust " for the purpose of carrying out the land settlement of ex-servicemen in Ireland generally, but the operation of the section was, by subs. (7), deferred until the Treasury should certify " that such legislation has been passed by the Parliament of the Irish Free State, and the Parliament of Northern Ireland as is necessary to enable the Trust . . . to carry out the purposes of this section." C. 19 comprises the necessary legislation so far as the Parliament of Northern Ireland is concerned. The Act confirms the Trust in its powers as respects Northern Ireland, and gives power to Northern Ireland Government Departments to acquire land compulsorily, and exercise powers and duties, on behalf of the Trust.

C. 30 empowers the Ministry of Home Affairs to make grants to persons or bodies of persons constructing houses, and to local authorities carrying out schemes for the provision of houses for the working classes, and prescribes the conditions for those grants, which may be supplemented by grants from local authorities out of their rates. The Act amends the Small Dwellings (Acquisition) Act, 1899,[1] in a similar manner to that adopted in s. 22 of the Imperial Housing, etc., Act, 1923 (13 & 14 Geo. V, c. 24).[2] It also contains financial provisions which are not of general interest, except s. 4, which provides for parliamentary grants being voted to local authorities to aid them in the repayment of outstanding loans, in lieu of the assistance which formerly came from the income of the Irish Housing Fund under the Housing of the Working Classes (Ireland) Act, 1908 (8 Edw. VII, c. 61).[3]

Rent Restriction.—By c. 16 and c. 25, the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 Geo. V, c. 17),[4] was continued in its operation until December 31, 1924.

[1] See *Journal of Comparative Legislation*, New Series, vol. i, pt. iii, p. 533.
[2] *Ibid.*, Third Series, vol. vii, pt. 2, p. 7.
[3] *Ibid.*, New Series, vol. x, pt. ii, p. 305.
[4] *Ibid.*, Third Series, vol. iv, pt. ii, p. 5.

Trade Boards.—C. 32 consolidates the law relating to trade boards for "unprotected" industries, which was formerly contained in the Trade Boards Act, 1909 and 1918, and amends that law in accordance with the Report of the Committee appointed to advise the Minister of Labour as to the application of the Trade Boards Acts to Northern Ireland.

Workmen's Compensation.—C. 33 extends to Northern Ireland the provisions with regard to workmen's compensation and cognate matters which became law in Great Britain under the Workmen's Compensation Act, 1923 (13 & 14 Geo. V, c. 42).[1]

Unemployment Insurance.—C. 11 put into force in Northern Ireland amendments in the law relating to unemployment insurance similar to those which were effected for Great Britain by the Unemployment Insurance Act, 1923 (13 Geo. V, c. 2).[2]

Flax Scutching.—C. 17 renders illegal the system under which scutch-mill owners formerly retained the tow produced in the scutching of farmers' flax, and contains provisions for inspection, in order to bring about the discontinuance of uneconomic methods in connexion with the scutching of flax. Some of the provisions of this statute were based upon emergency regulations, which lapsed after the termination of the late war.

Local Government.—C. 10 abolishes the distinction between main and district roads, and makes provision for the chargeability of road expenditure according to the classification for the purpose of road improvement advances. It also extends the power to make such advances, removes the statutory limit upon road expenditure in rural districts, and gives the Ministry of Home Affairs power to make orders for the closing of roads during repair or reconstruction.

C. 13 amends s. 3 (*a*) and (*b*) of the Representation of the People Act, 1918 (7 & 8 Geo. V, c. 64), by attaching a £5 valuation to the qualification for local government franchise arising from occupation of land or premises other than a dwelling-house. It also gives to the Governor in Council power to prescribe the forms to be used for local government franchise registration.

C. 23 makes provision for the payment out of moneys voted by Parliament of grants to rural district councils in aid of the repayment of certain loans borrowed by those councils under the Labourers (Ireland) Acts.

C. 31 amends the law relating to local government in Northern Ireland as regards various minor matters, including:

(*a*) Payment of subscriptions and expenses of representatives in the case of a newly-formed association of rural district councils of Northern Ireland;

(*b*) The expenses of local authorities in connexion with War Memorials;

(*c*) The extension of the limit of the rate for advertising in urban districts and towns under the Health Resorts and Watering Places (Ireland) Act, 1909 (9 Edw. VII, c. 32).[3]

Following the financial policy adopted in other cases, s. 10 of this Act makes provision for grants to be voted by Parliament in aid of local expenditure, in lieu of the grants formerly payable out of the Local Taxation (Ireland) Account, a fund which ceased to exist by reason of the Government of Ireland Act.

[1] See *Journal of Comparative Legislation*, Third Series, vol. vii, pt. ii, p. 4.
Ibid., p. 12.
[3] *Ibid.*, New Series, vol. xi, pt. ii, p. 349.

Criminal Law.—C. 8 extends to Northern Ireland certain provisions which became law in Great Britain by virtue of the Criminal Law Amendment Act, 1923 (12 & 13 Geo. V, c. 56). The Northern Ireland statute, however, contains no proviso making reasonable cause to believe that a girl was over the age of sixteen years a valid defence in the case of a first offender of twenty-three years of age or under ; nor does that statute repeal s. 5 of the Punishment of Incest Act, 1908 (8 Edw. VII, c. 45)[1] in respect of Northern Ireland.

C. 9 assimilates the law of criminal evidence in Northern Ireland to the law of England in regard to the competency of an accused person, and the wife or husband of such person, to give evidence on his or her trial. The Criminal Evidence Act, 1898 (61 & 62 Vict. c. 36)[2] as passed, did not apply to Ireland, and it was subsequently extended by the Imperial Parliament to Ireland only as regards offences against the Motor-car Act, 1903 (3 Edw. VII, c. 36).[3] The Northern Ireland Parliament applied the Act of 1898 to offences against the Civil Authorities (Special Powers) Act (Northern Ireland) 1922, but the new statute (c. 9) is general in effect, and closely follows the Act of 1898. Its first Schedule brings up to date the list of enactments under which the wife or husband of an accused person may be called as a witness, either for the prosecution or defence, without the consent of the accused. The second Schedule specifies the various particular enactments which formerly enabled accused persons to give evidence for the defence, and which are superseded by the general provisions of c. 19. On the other hand, in the Act of 1898, the supersession of these enactments is effected only by the general words in s. 6 (1), *i.e.* " This Act shall apply to all criminal proceedings, notwithstanding any enactment in force at the commencement of this Act."

Promissory Oaths.—C. 7 requires persons in Government employment or in receipt of payment out of public funds to take an oath of allegiance to the Government of Northern Ireland in the form which was previously prescribed, by Northern Ireland Acts of 1922,[4] for members of the Royal Ulster Constabulary and members and officers of local authorities.

Companies.—C. 6 makes provision for the reconstitution of the records relating to the incorporation of companies which were destroyed in May 1921, in the fire at the Custom House, Dublin. The Act applies only to companies whose registered officers are situate in Northern Ireland. S. 1 makes it the duty of the companies to furnish statements in a prescribed form, and copies of documents relating to their formation or incorporation ; s. 2 provides that the Registrar of Companies is to register the statements and copies of documents and issue a certificate which is to be conclusive evidence of incorporation ; under s. 3 documents filed in pursuance of the Act are to be accepted as evidence of the originals of which they purport to be copies.

Public Record Office of Northern Ireland.—C. 20 establishes a Public Record Office for records appertaining to Northern Ireland, and provides the requisite machinery for use by a Deputy Keeper of Records, acting under the Minister of Finance. The Act follows, in the main, the administrative scheme of the Public Records (Ireland) Act, 1867, but it

[1] See *Journal of Comparative Legislation*, New Series, vol. x, pt. ii, p. 296.
[2] *Ibid.*, vol. ii, pt. iii, p. 460.
[3] *Ibid.*, vol. vi, pt. ii, p. 328.
[4] *Ibid.*, Third Series, vol. vi, pt. ii, pp. 19, 20.

introduces a provision for the disposal, under appropriate safeguards, of valueless documents, following the principles of s. 1 of the Imperial Public Record Office Act, 1877 (40 & 41 Vict. c. 55).

Finance.—The Exchequer and Financial Provisions Act (Northern Ireland) (c. 4) contains various provisions as to financial procedure. By virtue of s. 20 (3) of the Government of Ireland Act, 1920 (10 & 11 Geo. V, c. 67)[1] the existing law relating to the Exchequer and Consolidated Fund of the United Kingdom was applied, with modifications, to the Exchequer and Consolidated Fund of Northern Ireland, but with a saving for further provision by Act of the Parliament of Northern Ireland. The actual experience of the new Parliament and Government pointed to the necessity for making specific provisions in this matter. The first step in this direction was taken by the Exchequer and Audit Act, 1921,[2] and c. 4 deals with points which subsequently arose. S. 1 deals with the annual account of public income and expenditure ; s. 2 makes provision as to the application of the annual surplus ; s. 3 enables certain terminable revenues to be converted into perpetual revenue, and interest charges to be redeemed ; and s. 4 establishes a Capital Fund, consisting in the first instance of capital moneys transferred from the former Irish Administration, and intended to be available for replenishing the Exchequer for purposes involving capital expenditure.

C. 14 gives the force of law to the consent which was given by the Government of Northern Ireland to arrangements made for relief in respect of double taxation as between Northern Ireland and the Irish Free State. S. 5 of the Irish Free State (Consequential Provisions) Act, 1922 (13 Geo. V, c. 2, Session 2) enables such arrangements to be made in cases where, under the law in force in the Irish Free State, a tax is payable in respect of a subject of charge in respect of which a corresponding tax is payable also in Great Britain or in Northern Ireland.

C. 15 extends the authority given to the Ministry of Finance by the Loans Guarantee Act (Northern Ireland), 1922,[3] to guarantee the repayment of loans intended to be applied to the carrying out of capital undertakings calculated to promote employment in Northern Ireland ; the Act increases the maximum limit on the capital amount of the loans whose repayment may be guaranteed.

C. 26 is the general Finance Act for the year. Ss. 1 and 2 give relief from entertainments duty ; s. 3 defines the conditions under which a six-wheeled vehicle is, for the purpose of licence duty, to be considered as a single vehicle used for drawing a trailer ; s. 6 amends the law as to estate duty so as to meet the point raised in *Attorney-General* v. *Burns and others*, 39 *T.L.R.* 257. These sections are similar to provisions contained in the Finance Act, 1923 (13 & 14 Geo. V, c. 14). The remaining provisions of the Act are not of general interest, except s. 9, which further amends the Loans Guarantee Act (Northern Ireland), 1922, by extending the period within which guarantees may be given by the Ministry of Finance.

[1] See *Journal of Comparative Legislation*, Third Series, vol. iv, pt. ii, p. 7.
[2] *Ibid.*, vol. vi, pt. ii, p. 17.
[3] *Ibid.*, p. 19.

II. NORTH AMERICA.

1. DOMINION OF CANADA.

[It is hoped to publish the Summary of Legislation in the next *Review*.]

2. ALBERTA.

[*Contributed by* JOHN D. HUNT, ESQ., *Clerk of the Executive Council.*]

The third session of the Fifth Legislature of the Province of Alberta was opened on the 23rd day of January, and came to a close on the 21st day of April, 1923. Seventy-four Bills were introduced. Of eleven Private Bills, nine were passed, and of sixty-three Public Bills, fifty-nine were passed.

Community Grazing.—By c. 17 the Province is given power to assume control of the grazing lands placed at its disposal by the Dominion, and to lease any lands over which it has control to occupiers of land in the district for community grazing purposes.

Occupier is defined as any person who occupies land within a community grazing district by reason of ownership thereof or of an agreement for sale thereof or under a lease or tenancy providing for the payment of a rent which might be regarded as a reasonable rent for the land occupied as a farm, but shall not include the lease or tenancy granted or created by the Government of Canada or any corporation, or person, for grazing purposes.

The Minister may establish community grazing areas and grazing districts, advertising particulars of same in the *Gazette*, and at least one-half of the occupiers may petition the Minister for incorporation as a Community Grazing Association, setting out in the said petition the number of acres occupied and the number of stock kept by each. The Minister may declare the petitioners a body corporate, giving a name thereto and publishing the declaration in the *Gazette*. He may then direct one of the members to call a meeting of the Association for organization and the election of a president, and two other directors, who shall appoint a secretary-treasurer.

The Minister may lease to the Association the community grazing area, define the number of stock allowed to graze on such area upon terms and conditions to be agreed on and fix a rental payable in advance sufficient to meet administration expenses, the minimum to be not less than 2 cents per acre.

The Association shall have a lien upon the grazing stock for unpaid fees, and shall make by-laws subject to the approval of the Minister, providing for the governing of the Association, such as admission of members, meetings and election of officers, the fees chargeable for grazing stock, the number of horses, cattle or sheep that may be put on by each occupier member, the means of realization of unpaid fees and the application of any surplus money.

Private Grazing Associations.—By c. 16 any five or more farmers in any district may by petition verified by the statutory declaration of a witness request the Minister to incorporate them as a Private Grazing Association. Upon receipt of such petition and the payment of a regis-

tration fee of $20 the Minister may declare the petitioners and such others as may be subsequently admitted to be a body corporate. The said declaration shall be published in the *Gazette*, and after publication the Minister may direct one of the members to call a meeting for organization and the election of a president and two other directors who shall appoint a secretary-treasurer.

At any time after such meeting the Association may accept a lease of any land from the Crown, or any corporation, person or persons at such rental and upon such terms as may be agreed upon.

The powers of the Association as to lien for unpaid grazing fees and to make by-laws are similar to those granted to a Community Grazing Association.

This Act shall come into force on March 9, 1923.

Game.—By c. 18 big game hunters must be clothed in a complete outer suit and cap of some white material.

A game guardian is given authority to seize any firearms, trap, net or snare, if he has reasonable cause to believe the same have been used in violation of the Act, and upon conviction of such violation the article used may be confiscated and sold or otherwise disposed of as the Minister may direct.

No person shall hunt or trap any fur-bearing animal except on his own land without first obtaining a licence at a cost of $2, and such licence shall restrict the holder to hunt or trap in such portions of the Province as may be specified therein.

No person, firm or company shall accept game for cold storage without a licence therefor, the fee for which is $5.

The Minister may grant permits without charge to farmers to trap or kill such animals or birds as may be causing damage to farm crops or other property. A return has to be made of the animals or birds killed and the amount of damage done.

The title Game Commissioner is substituted for Chief Game Guardian. All Game Guardians' appointments expire on the first day of May in each year. Postmasters are *ex officio* game guardians.

No person shall buy, traffic in or have in his possession any game, fur-producing animal or part thereof which has been unlawfully taken or for which there is no open season, unless such has been taken outside the Province, in which event the onus of proof shall be on the person in whose possession the game or animal is found.

A person shall not be liable to a penalty for being in possession of any game, fur-bearing animal or part thereof, if he is not the owner and the owner comes forward and assumes responsibility.

Irrigation Districts.—By c. 20 the Board is given the same power to enter upon lands for the purposes of irrigation work as the Minister of Public Works has to enter upon lands required for public works.

If any person, bank or corporation advances any amount to meet debenture indebtedness, such person, bank or corporation shall have the same right to priority of lien as the debenture holders would have had.

Lands used as reservoirs may be taxed at a flat rate not exceeding 10 cents per acre for general municipal or improvement purposes, and at a flat rate not exceeding 20 cents per acre for school purposes.

The Board must repay any sum expended by an inspector for the destruction of noxious weeds or in default the amount will be levied as a tax.

Stock Inspection.—C. 13 provides that before driving stock from one point to another distant twenty miles or more, or to a point beyond the Province or to or from a forest reserve, notice must be sent to the Live Stock Commissioner or to the nearest provincial policeman, so as to reach him prior to the removal of such stock. A notice setting out the number of and the brands (if any) upon the animals, or, in case of any animal without a brand the age, sex, and colour thereof. When not driven by the owner, a copy of the notice must be given to the driver in charge.

If an inspector or the owner of any animals or his agent claims any animals being driven within the Province and not comprised in the notice or in the Bill of Sale produced, the person in charge shall render assistance in separating such animals from his drove and on demand shall return them to the place from which they were driven. In default he shall be liable on conviction to a penalty of $50, and to pay the owner the expenses occasioned by the removal and return of such animals.

Inspection and stamping of beef offered for sale in any city or town is no longer required.

Drainage Districts.—C. 27 provides that, in connexion with the application to purchase vacant Dominion lands a copy of the assessment roll shall follow the application as soon as prepared.

Where the formation of a district is dropped the Minister shall prepare a list of the names of persons who signed from each municipality and of the land owned by each lying within the proposed district, with a statement of the amount of expenses properly chargeable to the said land on an acreage basis. He shall send such list to the secretary of each municipality concerned, and the amount set out thereon shall form a part of and be collected as municipal taxes. Any sum so collected shall be forwarded forthwith to the Minister, less 1 per cent. Where the amount is too large to be paid in a lump sum the Minister may direct payment by instalments with interest. Any amount charged against a municipality shall constitute a debt due from the municipality to the Minister.

The Board shall have the same powers to enter on land for drainage purposes as the Minister of Public Works has to enter on lands required for Public Works.

If any person, bank or corporation advances any amount to meet debenture indebtedness, such person, bank or corporation shall have the same priority of lien as the debenture-holders would have had.

Land occupied by the works of a drainage district and owned by the Board may be taxed at a flat rate per acre not exceeding 10 cents for general municipal or improvement purposes and at a flat rate not exceeding 20 cents per acre for school purposes.

The Board must repay any sum expended by the inspector for the destruction of noxious weeds, or in default the amount will be levied as a tax.

The Board shall, before the first day of March, forward to the proper municipal or school authority a statement of the acreage of land occupied by the works of the district and owned by the Board, together with a cheque for the amount of the taxes imposed in respect thereof.

The collection and recovery of drainage rates by suit, distress or sale of lands has been taken out of the control of municipalities and vested in the Board, with full provisions for carrying out same. The penalties

on unpaid taxes are 2½ per cent. on January 1, 2½ per cent. on April 1, and 5 per cent. on July 1.

The cost of maintenance of bridges built at an apportioned cost on public highways shall be apportioned amongst the municipalities and the district in the same proportions as the original cost.

Automobile Insurance.—C. 45 is a new Act, and makes provision for uniform and definite forms of contract in automobile insurance policies. It provides for a written application setting out the name, address and occupation of the applicant and full particulars as to the automobile to be insured, states what every policy shall contain, gives a list of statutory conditions to be inserted in each policy subject to variations to be written in red ink in conspicuous type, and which are to be in force so far only as they shall be held by the Court to be just and reasonable to be exacted by the Company.

Where the Court deems it inequitable that the insurance should be forfeited or avoided it may grant relief on such terms as it may deem just.

Accident and Sickness Policy.—This Act (c. 48) is to make uniform the law respecting conditions in policies of accident and sickness insurance. The provisions relating to statutory conditions, variation of same, forfeiture and relief are similar to those contained in the Automobile Insurance Act.

Domestic Animals.—The Domestic Animals Act is amended by c. 10. The name is changed to " The Domestic Animals (Unorganized Territory) Act." All references to municipal districts have been struck out and the Act is now applicable to extra municipal areas, that is, improvement districts and unorganized territory only.

The Minister may by order upon petition from residents set apart a portion of a closed area in which sheep may run at large upon unfenced lands therein. He may also by order, upon petition from residents of any district, no part of which lies within a city, town, village or municipal district or closed area, establish an area in the said district as a sheep area. The order shall prescribe the number of sheep which residents may pasture and shall forbid the pasturing of sheep within two miles of any fence without the written permission of the owner of the fence.

The Minister may by order from time to time increase or decrease the number of sheep which residents may pasture.

Animals belonging to a pound-keeper and liable to be impounded may be driven to the nearest pound other than that of the said pound-keeper.

Agricultural Pests.—C. 14 provides that where it seems expedient that the occupant of farm lands should receive bait for the purpose of destroying grasshoppers on roads or in or along organized ditches or upon waste or unoccupied parts of a town, city or village, sufficient bait for the purpose may be supplied to him without charge.

Instead of being charged with one-half the purchase price on a f.o.b. Calgary basis, each improvement district or municipality in which a mixing station is situated shall be charged with one-half the amount which the ingredients have cost, including the freight thereon to the distributing centre established nearest to the mixing station.

Any person who wilfully fails to use or wilfully misuses any poison bait supplied to him shall be liable upon summary conviction to a penalty of not more than $200.

Mental Defectives.—By c. 52 the Provincial Training School for mental defectives at Oliver is declared to be for the public use of the Province as an institution for the detention, care and training of mentally defective persons.

Anyone desiring to have a mentally defective person under his charge placed in the institution shall make application to the superintendent of the school, who may admit him after due investigation.

The parent or guardian may remove such person on giving one month's notice to and getting the consent of the superintendent.

Any mentally defective person committed by Order of the Minister after an inquiry by a Justice of the Peace shall not be removed from the Institution except by Order of the Minister.

The maintenance charge is $10 per month for each child under the age of sixteen years, and in other cases such amount as may be fixed by the Minister.,

Produce Merchants.—By c. 19 produce shall include cattle, sheep, swine, poultry (live or dressed), eggs, vegetables of all kinds (except canned vegetables), fruit of all kinds (except canned fruit), butter and butter fat, milk, live stock feeds and hides.

Produce merchant shall mean a person who in the way of business buys produce for resale or sells produce upon commission or receives produce for sale whether on commission or for account of a consignor.

The minimum amount of bond has been reduced from $1,000 to $500 and the licence fee from $10 to $5.

Whenever a produce merchant buys produce and does not at or before the time of delivery of the same to him pay to his vendor the price thereof, he shall immediately enter in a book to be kept for that purpose the name of the vendor, the kind and quantity of produce sold, and the price thereof, and shall give to the vendor a signed copy of the entry.

Any produce merchant who gives a cheque in payment for produce purchased by him shall be deemed to represent as an absolute warranty that his bank account is in such a position, or his credit with his bank is of such a nature as to ensure payment thereof upon due presentation, and shall, in the event of such warranty not being fulfilled, be liable upon summary conviction to a penalty of $100 or to imprisonment for a term not exceeding six months, either in addition to or in lieu of such penalty.

Public Utilities.—C. 53 is a new Act, made up of a revision and extension of the provisions of the old Act with the addition of the powers of a local government Board and of the repealed Taxation Revision Act and Municipal Finances Commission Act.

Part I sets out the organization, powers and procedure of the Board.

Part II deals with the jurisdiction and powers of the Board in respect of Public Utilities.

Part III gives the Board power to deal with the applications of cities, towns, villages, municipal districts and school districts, to borrow money by way of debenture or other securities.

Part IV gives the Board authority to inquire into and to direct the affairs of local authorities in financial difficulties.

Part V deals with the repayment of debentures and the reissue of debentures where the period for payment of the first debentures is less than the lifetime of the work or undertaking.

Part VI provides for the separation of parcels of land from an urban

municipality or for the fixing by the Board of a basis of assessment for a term of years with a maximum rate of taxation.

Part VII empowers the Board by Order to compromise tax arrears.

Part VIII makes provision for the cancellation of plans of subdivisions and for the vesting of the lands dealt with.

Children of Unmarried Parents.—This Act (c. 50) makes provision whereby the mother of an illegitimate child, her next friend or guardian or the Superintendent of Neglected and Dependent Children, may upon complaint made in writing upon oath to a District Court Judge, have the putative father appear before a judge at the time and place mentioned in the summons to show cause why he should not be made to pay to the said superintendent (*a*) the reasonable expenses for the maintenance and care of the mother during the three months next preceding the birth of the child, at the birth and during such period after the birth as in the opinion of the judge may have been necessary; (*b*) a sum of money weekly towards the maintenance and education of the child until it attains the age of sixteen years or as long as the child is mentally or physically incapable of earning its own living; (*c*) the amount necessarily expended upon the care and maintenance of the child prior to the date of the order or the value of the necessaries supplied to the child, as the case may be; (*d*) the expenses of the burial of the mother in case of her death at or in consequence of the birth of the child; (*e*) the expenses of the burial of the child in case of the death of the child before the making of the judge's order.

In determining the weekly sums payable, the judge shall take into consideration the respective abilities of the putative father and of the mother to provide the same and her prospective means and the means of the putative father to make provision for the proper subsistence and education of his wife and legitimate children.

No order shall be made upon the evidence of the mother as to the paternity of a child unless her evidence is corroborated by some other material evidence implicating the putative father.

It shall be the duty of the Superintendent to see that all payments are collected and paid to or for the persons entitled under the terms of the judge's order.

No agreement entered into between the mother and the putative father of the child relating to any matters within the scope of this Act shall be a bar to any proceedings under the Act.

Mothers' Allowances. — Formerly only cities and towns appointed inspectors to receive applications and make investigations, the provincial officers acting for the rest of the Province. Now, by c. 51, each city, town, village, municipal district and improvement district is called upon to make such appointment or appointments. In the event of such officer not being appointed, the clerk, or secretary or secretary-treasurer, as the case may be, shall be such inspector.

When the superintendent makes a recommendation otherwise than after the report by an inspector he must send by mail to the municipality concerned, or, in case of a resident of an improvement district, to the Deputy Minister of Municipal Affairs, a notice of the recommendation, setting forth the date and substance thereof.

Half the amount paid under the Act to a mother resident in an improvement district shall be charged to and paid out of the district fund of the district. Statements shall be sent out by the Attorney-General,

and payments made by municipalities monthly, instead of quarterly, as heretofore provided.

Bills of Sale.—By c. 26 crop mortgages may now be given not only for the purchase price of seed grain and interest for the current season, but also as security for meat, groceries, flour, clothing, binder twine, repairs to machinery or wages of the labourers engaged in the sowing or harvesting season's crop, collectively called necessaries, advanced after April 1, 1923. The amount of the security upon the crop for necessaries shall not exceed $250 for a quarter section, $350 for a half section or $500 for more than a half section, provided that the total securities charged against the crop on the land of any person shall not exceed $500 as a principal sum.

Every security for necessaries shall only charge and bind the crops grown during the year in which the security is given. Mortgages given for seed grain and for necessaries for the season shall have priority over every other chattel mortgage, bill of sale, seed grain lien, execution or distress whensoever given, issued or levied, and securities for the purchase price of seed grain shall have priority over all securities given for necessaries.

The Town Act.—By c. 28 improvements or buildings and improvements shall mean: (1) all buildings or any part of any building and all structures and fixtures erected upon, in, over, under or affixed to land; (2) all structures or fixtures erected upon, in, over, under or affixed to any highway, road, street, lane or public place or water.

Power is given to the Council to regulate by by-law the use of radio-aerial wires, and of poles and standards used in connexion therewith.

A resident, as applied to indigents, shall mean any person who has had his home in a town for at least three successive months during the six months immediately prior to the date of his receiving assistance from the Council or of being placed in a hospital, and is not a resident of any improvement district or other municipality or of some place outside the Province.

Any town may enter into an agreement with any hospital for the care and treatment of its residents or of its indigent residents for such total sum per year or month, or for such annual, monthly or per diem payment per patient as may be agreed upon, and upon any such agreement being entered into the liability of the town shall be determined thereby in lieu of the provisions of this Act. No such agreement shall be binding upon the parties until it has received the approval of the Minister of Health. No town entering into such agreement with a hospital shall be liable to any other hospital, provided, however, that nothing in this section contained shall prevent a municipality from making arrangements with any other hospital to cover special cases, and for which the municipality shall be liable for payment.

The Council is given power to recover payment, not only from the patient, but from any person who was legally responsible for the maintenance of the person for whose relief, care or treatment the amount was paid.

Taxation for municipal and school purposes shall be by means of:

(*a*) A tax upon land.

(*b*) A tax upon buildings and improvements, if a by-law has been passed for that purpose.

(*c*) A business tax, if a by-law has been passed for that purpose.

(*d*) A personal property tax, if a by-law has been passed for that purpose.

(*e*) A poll-tax levied for school purposes under the provisions of this Act.

Succession Duties.—Formerly estates up to the net value of $5,000 were free from Succession Duty regardless of who the beneficiaries might be.

The amendment (c. 47) now provides that no Succession Duties shall be payable on an estate up to $5,000 on shares passing to or for the use of the grandfather, grandmother, father, mother, husband, wife, child, son-in-law or daughter-in-law of the deceased; but on shares passing to any other lineal ancestor of the deceased, a brother or sister of the deceased or any lineal descendant of such brother or sister, or a brother or sister of the father or mother of the deceased, or any lineal descendant of such last mentioned brother or sister, a duty is payable of 1 per cent. on the second thousand dollars, 2 per cent. on the third, 3 per cent. on the fourth, and 4 per cent. on the fifth, with double this duty upon shares passing to or for the use of any other person or beneficiary.

Domestic Animals (Municipalities).—C. 25 is a new Act, and its provisions apply to municipalities—that is, towns, villages and municipal districts only.

The definition "animals running at large" has been extended to include any animal grazing on unfenced lands whether in charge of a herder or not, and each animal in any herd, hand or flock, unless under the charge of a sufficient number of herders to ensure the easy retention of immediate, continuous and effective control over each animal.

Part II contains the following provisions regarding pound districts:

Every municipality or part thereof where a by-law for restraining animals from running at large has not been passed under the provisions of this Act shall be a pound district.

Any occupier of land in a pound district may capture any estray which he finds upon his premises, and which, after repeated attempts, cannot be kept away from such premises, and may drive it to the nearest accessible pound in the said pound district and deliver it to the pound-keeper to be impounded there, to be dealt with as a trespassing animal as provided for in this Act.

Any occupier of land in a pound district may capture any entire or mischievous animal running at large therein, and may drive it to the nearest accessible pound in the said pound district and deliver it to the pound-keeper to be impounded, there to be dealt with as provided for in this Act.

Part III deals with by-laws in municipalities. The Council of any municipality may by by-law or by-laws direct that any or all domestic animals shall be prohibited from running at large in any part or parts of the municipality. The by-law or by-laws shall set out the classes of animals prohibited, the part or parts of the municipality in which they are prohibited, the period during which the prohibition shall exist, and may treat animals of residents as a distinct class from those of non-residents.

Such by-law or by-laws may also prohibit the grazing of any domestic animals or any class thereof upon unfenced lands, other than lands owned by the actual owner of the animals, and may also exempt from such provisions not more than one hundred cattle or the equivalent thereof

for every 160 acres owned within the municipality by the actual owner of the animals. One horse or three sheep shall be deemed the equivalent of one head of cattle.

Part IV makes provision as to pounds and pound-keepers.

In every municipality, whether a pound district or under a by-law, the Council shall establish such a number of pounds and appoint such a number of pound-keepers as may be necessary, and shall determine the place with respect to each pound (which shall include the pound and some place at or near the Post Office nearest the pound) where notices shall be posted.

A pound-keeper shall hold office during the pleasure of the Council and until his successor is appointed. The secretary shall publish in one issue of a newspaper having a general circulation in the municipality a list of the pounds and pound-keepers and places where notices are to be posted, and in like manner shall publish any alterations or additions to such list.

The pound or pounds to serve a Municipal District may be located in a village or town lying within or adjacent to the outer boundaries of the district.

The municipality is liable for any loss or damage suffered through the negligence of a pound-keeper acting as such.

Any occupier of land in a municipality may capture an animal unlawfully running at large and deliver it to a pound-keeper to be impounded, with a statement describing the animal, the place where found, the amount of damage, if any, claimed, and giving the name of the owner, if known.

The pound-keeper shall impound the animal, be responsible for its feed and safe keeping as long as he is legally bound to hold it, and shall be entitled to collect the amount of damages claimed, and all charges and expenses, before delivering it up to the owner.

The owner of an impounded animal may, not later than the date provided for redeeming it, appeal against the amount claimed as damages to the Council in writing addressed to the Secretary-Treasurer and the Council or a committee thereof shall, after such investigation as it may deem necessary, determine and fix the amount to be paid, and such decision shall be final and binding on all parties.

All animals impounded and not sooner released shall be offered for sale not sooner than the eleventh day, nor later than the fifteenth day after impounding.

If the owner is known to the pound-keeper he shall, within twenty-four hours of the impounding, deliver a notice in given form at such owner's nearest address, or mail such notice by the first mail leaving the post office nearest the pound, or by mailing at any other post office if the service be shortened thereby, and shall, whether the owner is known or not, post a copy of the said notice where pound notices for his pound are required to be posted.

Where the owner is unknown and the animal bears a brand, the pound-keeper shall send a copy of the notice to the Recorder of Brands, Edmonton, who shall at once advise the pound-keeper of the name of the owner of the brand, if recorded, and shall also notify the owner of the brand of the impoundment.

The fee payable to a purchaser for feeding and maintaining an animal shall be as follows:

(*a*) For a goose, she-goat or sheep, 5 c. per day.
(*b*) For a swine, 10 c. per day.
(*c*) For a horse, mule or head of cattle (not being an entire animal) 25 c. per day.
(*d*) For a ram or he-goat, 15 c. per day.
(*e*) For a stallion, bull, jack or boar, 50 c. per day.

Upon the expiration of the thirty days, if the animal is not redeemed, the purchaser shall notify the pound-keeper, who shall thereupon vent the brand, and the purchaser shall pay to the pound-keeper the fees and mileage, if any, to which he is entitled.

When any person is deprived of the ownership of an animal through the neglect or omission of a pound-keeper, he shall be entitled to any fine recoverable from the pound-keeper under this Act.

Mortgagees' Seed-grain Security.—This Act (c. 24) provides (1) that a mortgagee may advance seed-grain or the purchase price of seed-grain to (*a*) a registered owner mortgagor, or (*b*) the registered owner mortgagor and the purchaser of the land under an Agreement of Sale, and (2) that a vendor registered owner may make a like advance to the purchaser under an Agreement of Sale.

Where the registered owner borrows, he may secure the repayment by the execution of a seed-grain charge in a given form.

Sale of Formaldehyde.—C. 8 provides that no solution of formaldehyde shall be sold, except in containers upon the outside of which there is clearly printed an accurate statement of the strength of the solution.

The penalty, upon summary conviction for breach of the Act, is a fine of $100, and, in default of payment, imprisonment for one month.

Bird Sanctuaries.—By c. 55, the Lieutenant-Governor in Council may, on recommendation of the Minister of Agriculture, constitute any land a bird sanctuary; may impose such fees in respect of the formation thereof as may seem necessary, and may lay down rules and regulations as to the creation and conduct of such sanctuary.

No bird sanctuary shall be constituted on private lands without the request or consent of the registered owner.

The Lieutenant-Governor in Council may by Order disorganize any bird sanctuary, and upon the making of such order such sanctuary shall cease to exist.

Village Act.—By c. 29, "resident," as applied to an indigent person, shall mean any person who has had his home in the village for at least three successive months during the six months immediately prior to the date of his receiving assistance from the Council or of being placed in a hospital, and is not a resident of any improvement district or other municipality or some place outside the Province.

Any village may enter into an agreement with any hospital for the care and treatment of its residents, or of its indigent residents, for such total sum per year or month, or for some annual, monthly, or per diem payment per patient as may be agreed upon and upon such agreement being entered into the liability of the village shall be determined thereby in lieu of this Act. No such agreement shall be binding upon the parties until it has received the approval of the Minister of Health. No village entering into any such agreement with a hospital shall be liable to any other hospital except by special agreement. The public ward charge of any hospital shall constitute a debt due from any person for whose relief, care or treatment it was paid, or who was legally responsible for

the maintenance of the person for whose relief, care or treatment it was paid.

Municipal Districts.—By c. 34, "resident," as applied to indigents, shall mean any person who has had his home in the municipal district for at least three successive months during the six months immediately prior to the date of his receiving assistance from the Council or of being placed in a hospital and is not a resident of any improvement district or other municipality or some place outside the Province.

Any municipal district may enter into an agreement with a hospital for the care and treatment of its residents or of its indigent residents for such total sum per year or month or for such annual, monthly or per diem payment per patient as may be agreed upon, and, upon any such agreement being entered into, the liability of the municipality shall be determined thereby in lieu of the provisions of this Act. No such agreement shall be binding upon the parties until it has received the approval of the Minister of Health. No municipal district entering into any such agreement with a hospital shall be liable to any other hospital, except by special agreement therewith.

The Council is given authority to collect payment of a hospital debt, not only from the patient, but from any person who was legally responsible for the maintenance of the person for whose relief, care or treatment the amount was paid.

Improvement Districts.—By c. 30, improvement or building and improvements shall mean:

(1) All buildings or any part of any buildings and all structures and fixtures erected upon, in, over, under or affixed to land, all structures or fixtures erected upon, in, over, under or affixed to any highway, road, street, lane or public place or water.

A "resident," as applied to indigents, shall mean any person who has had his home in the improvement district during the six months prior to the date of his receiving assistance from the Minister or being placed in a hospital, and is not a resident of any town, village, municipal district or other improvement district or of some place outside the Province.

The Minister may enter into an agreement with any hospital for the care and treatment of its residents or its indigent residents for such total sum per year or month, or for such annual, monthly or per diem payment per patient as may be agreed upon, and, upon any such agreement being entered into, the liability of the Minister shall be determined thereby in lieu of the provisions of this Act.

No such agreement shall be binding upon the parties until it has received the approval of the Minister of Health.

Upon entering into any such agreement with the hospital, the Minister shall not be liable to any other hospital except by special agreement.

The Minister is given authority to collect payment of a hospital debt not only from the patient, but from any person who was legally responsible for the maintenance of the person for whose relief, care or treatment the amount was paid.

The payment by the Minister of costs of aid to any sick person out of the district funds has been extended to include payment of costs of aid to indigents.

Debt Adjustment. — By c. 43, the Lieutenant-Governor in Council may appoint a director for the whole or any part of the Province, provide to have general supervision and administration of this Act, provide

clerical assistance, office and other equipment, fix tariff of fees and prescribe from time to time such rules and regulations as may be deemed necessary.

Upon application by a resident or any creditor of a resident the director may confer with and advise such resident or creditor, and shall endeavour to bring about a settlement of the resident's indebtedness by agreement without recourse to the Courts.

For such purpose the director shall have power to summon witnesses, to give evidence under oath or affirmation, and to produce documents required for a full investigation of the matters to be inquired into.

Mineral Taxation.—By c. 32, "mineral owner" shall mean a person with the right to search for, work, win or get any mineral, who derives such right by lease, grant, licence or otherwise from the Dominion of Canada or the Province, and also every person who possesses the same by virtue of a reservation or exception thereof, or as an incident or part of his ownership of land.

"Minerals" shall include natural gas, petroleum, gasoline and all oils of a mineral nature.

"Minister" shall mean the Minister of Municipal Affairs.

"Non-taxable persons" shall mean the Crown, and any person who is not liable to taxation to the Province.

"Person" shall include corporation.

"Taxable person" shall mean any person who is liable to taxation by the Province.

Every mineral owner who is a taxable person shall pay to the Minister a tax of 3 cents per acre of the surface of the parcel of land for which he holds mineral rights.

Any mineral owner who so desires may surrender to the Province his mineral rights, and upon receipt of such surrender shall be exempt from taxation in respect of same.

Coal Sales.—This Act (c. 31) gives the Lieutenant-Governor in Council power to:

(*a*) Classify or grade coal according to size, or quantity of bone, slate or other foreign material, or storage qualities, or heat value or other quality or adjunct, or any one or more of them.

(*b*) Make regulation as to the issue of grading certificates with respect to coal.

(*c*) Nominate persons to serve on advisory grading committees.

(*d*) Make regulations that all coal sold or shipped in Alberta shall be sold or shipped as belonging to the class or grade in which it is placed by Order in Council.

(*e*) Require that every operator of a coal-mine in Alberta shall register with the Provincial Secretary a name for the coal taken from such mine, and that no person shall sell or ship any coal except under such registered name.

(*f*) Make regulations prescribing particulars to be shown upon every invoice, shipping bill and such other documents issued upon or in connexion with the sale or shipments of coal or otherwise in connexion therewith as the Lieutenant-Governor in Council may think fit.

(*g*) Make regulations requiring dealers to keep records as therein set out.

(*h*) From time to time publish in such form as it may deem suitable particulars of the grade of coal available in the various collieries, and any

other information about coal which may be of commercial or scientific interest.

(*i*) Authorize the inspection of coal in any place and confer powers of entry thereto.

(*j*) Prescribe penalties for the shipment or sale of coal contrary to the provisions of this Act, for selling or offering for sale any coal without stating the class or grade in which it has been placed, or falsely describing any coal, or uttering or using any false certificate in respect of coal, and in general for the breach of any regulations or Orders in Council and regulations duly made thereunder.

Chiropractic.—By c. 58, any chiropractor who has been a resident of the Province for one year, or is the holder of a diploma from a School of Chiropractic granted after completion of a course of resident tuition of such school of not less than six months in each of two years, is of good moral character and over twenty-one years of age, may apply, in writing, with a fee of $50 to the Minister on or before July 1, 1923, to be registered under this Act.

The Minister shall submit the application to a Board of five members, to be appointed by the Minister, of whom two shall be resident graduates of a School of Chiropractic, two members of the Faculty of Medicine of the University of Alberta, nominated to the Minister by the President of the University, and a chairman.

The Board shall examine and inquire into the application, and shall certify to the Minister as to whether or not the applicant is a person having the qualifications necessary for registration.

After July 1, 1923, no person shall practice as a chiropractor unless he holds a certificate of registration under this Act.

After the said date every person desiring to be registered shall make application to the Minister in writing, paying in at the same time a fee of $50. The applicant shall submit evidence in support of his application :

(*a*) That he has passed such examination as to his educational qualifications as the University shall fix as the minimum standard.

(*b*) That he is the holder of a diploma from a School of Chiropractic, after a resident course of six months in each year for not less than three years and a minimum of twenty-four hundred hours of study.

(*c*) That he has attended at least 90 per cent. of the total hours of each kind of study prescribed for each such course.

(*d*) That he is a person of good moral character.

(*e*) That he is over twenty-one years of age.

The applicant shall submit himself to such examination as to qualifications as the Board may direct and such examination shall be of a practical nature.

Every applicant who satisfactorily passes the said examination and satisfies the Minister with evidence in support of his application shall be entitled to be registered.

The Act provides for the organization, quorum and meetings of the Board, the investigation of complaints, the penalty for practising without being registered, and, in respect of all inquiries, is given power to compel the attendance of witnesses and the production of any documents or writings.

Slot-machine Tax.—By c. 40, no slot-machine shall be installed, kept or operated in any premises unless the proprietor or manager is the holder of a licence.

Application for a licence shall be made to the Department of the Attorney-General in the prescribed form, and shall be accompanied by a marked cheque for $50 as a licence fee in respect of each machine for which a licence is applied for.

Any person operating a slot-machine without a licence displayed as required by this Act shall be liable, upon summary conviction, to a fine of not more than $100.

Any person installing, keeping or permitting the operation of a slot-machine in respect of which there is no subsisting licence or if the licence is not displayed as required, shall be liable upon summary conviction to a fine of not more than $200, and, in default of payment, to imprisonment for not more than three months.

Beverage Tax.—By c. 39, "beverage" shall mean aerated waters or liquids of every description and all manufactured liquids sold for beverage purposes in a bottle or other container, all such liquids as are commonly known as soft drinks, and all such liquids as are named as beverages within the meaning of this Act by Order in Council.

"Manager" shall mean any person having control and daily supervision of the business of a manufacturer or importer of beverages.

"Minister" shall mean the Provincial Secretary.

"First vendor" shall mean any person who imports any beverages into the Province or manufactures any beverage within the Province and sells such imported or manufactured beverage.

After the last day of April 1923 there shall be imposed upon and collected from every first vendor of beverages a tax of 3 per cent. upon the gross revenue received by him from the sale of beverages.

Mine-owners' Tax.—By c. 33, "minister" shall mean the Provincial Secretary.

Every mine-owner shall, from the last day of May 1918, be subject to a tax upon the gross revenue received by him from his mine.

The said tax shall not be more than 2 per cent. of the said revenue.

Every mine-owner shall keep an accurate record of the gross revenue received by him in respect of the coal from his mine during each month, and shall without prior request forward to the Minister monthly, before the fifteenth day of each month, a statement of such record.

Direct Legislation.—Part II has been added by c. 7 to the Direct Legislation Act as follows:

All the provisions of the preceding part of this Act shall be deemed to apply to this part save and except only when the same are inconsistent with any provision in this part contained.

Where a proposed Act has been presented to the Legislature for submission to the electors, as provided in ss. 6 and 7 of this Act, and the Legislative Assembly deems it expedient to submit to the electors questions of a similar nature, the Legislative Assembly may submit the principle or subject-matter of the proposed Act as a question, along with such other question or questions, to and for the approval of the electors, and the submission so made shall constitute a compliance with the requirements of this Act as to the submission of the proposed Act.

In such case as is provided in the last preceding section, the ballot shall contain all questions to be submitted, including, as one question, a question setting forth the principle or subject-matter of the proposed Act in such a manner as clearly to connect such question with the proposed Act, and the contents of such ballot shall be approved of by a resolution

of the Legislative Assembly, and shall provide for the expression by the electors of as many choices as there are questions submitted by such ballot to the electors.

The vote under this part shall be taken in accordance with the principles of the single transferable preferential vote, and the Lieutenant-Governor in Council is authorized and empowered to make all changes, alterations and additions in and to the Election Act, and to make all rules and regulations necessary and requisite to enable any such submission to be taken in accordance with such principles.

A question shall be deemed to have been approved if, after the transfer of the last transferable votes, it shall appear that such question has a clear majority over the other remaining question, and if at any other stage of the counting it shall appear that such question has a majority vote of more than one-half of the total number of valid ballots polled at such election.

In case, upon the final count of the ballots, it has been ascertained that the question respecting the said proposed Act has received the approval of the electors as herein provided, then such proposed Act shall be deemed to have been decided in the affirmative, otherwise the said proposed Act shall be deemed to have been decided in the negative, for the purposes of this Act.

School Act.—By c. 35, the authority of the Board to provide for free medical, dental and surgical treatment of pupils has been extended to include children of pre-school age at the request of the Council of any city or town, but at the expense of such city or town.

War Relief.—By s. 7 of c. 5, the words "at any time" used in connexion with the application of a mortgagor or purchaser in an agreement of sale for an extension of time of redemption or to make payments on the purchase price, mean, and always have meant, at any time prior to the making of an order of foreclosure vesting the mortgaged land in the mortgagee, or in the case of a purchaser, at any time during the subsistence of the right of the vendor to demand the payment to him of any part of the purchase price.

Maintenance Order.—By s. 8 of c. 5 no person shall be made liable by or be liable under any maintenance order in respect of any child with regard to which an order has been made against such person under the provisions of the Children of Unmarried Parents Act.

Motor Vehicles.—By s. 42 of c. 5, notwithstanding any other provision of this Act, the Council of any city, town, village or municipal district may fix by by-law a rate of speed, not exceeding one mile in three minutes, at which motor vehicles may be operated in crossing a bridge, if such bridge is of stone, concrete, iron or steel construction; but when any such by-law is passed, no person operating a motor vehicle upon such bridge shall pass any other motor vehicle travelling in the same direction.

3. BRITISH COLUMBIA.

[*Contributed by* A. V. Pineo, Esq., LL.B., *Legislative Counsel.*]

Acts passed—82: Public—76; Private—6.

Apiaries.—C. 2 extends the powers of inspectors to enforce disinfection of premises where bee disease exists and destruction of infected bees and material. It requires all packages of imported honey exposed for

sale to be marked with name of country of origin and the net weight of contents.

Cemetery Companies.—C. 4 is a consolidation and revision of previous legislation providing for incorporation of companies to establish and maintain public cemeteries in rural districts.

Eggs, Marking of.—C. 10 requires that all imported eggs exposed for sale shall be marked with name of country of origin, and that all bakeries, confectioneries, hotels, and restaurants using eggs imported from China shall display a sign marked "Chinese eggs used here," and that shops selling Chinese eggs shall display a like sign.

Factories.—C. 12 extends the definition of "child," for purposes of the Factories Act, to include males under fifteen years of age, in substitution for the fourteen-year limit previously existing.

Fire Departments.—C. 14 provides for the employees of certain municipal fire departments to have one full day of twenty-four hours off duty in each week; and c. 15 provides for the division of the employees of each fire department into two platoons with alternating periods on and off duty.

Game.—C. 18 contains a number of amendments designed to prevent infringement of the game laws. Provision is made for the better protection of licensed trappers, and for the compulsory registration of trap-lines.

Hospitals.—C. 21 requires every hospital in receipt of aid from the public moneys of the Province, or of payments from any municipality in support of indigent patients, to make provision for representation of the Provincial Government and the municipality upon the board of management of the hospital.

Hours of Work.—C. 22 enacts an eight-hour law for work in all industrial undertakings, except in the mining industry, in which a similar law was already in force. A Board of Adjustment is constituted under the Act, with power to hold inquiries and to make permanent and temporary exemptions of industries from the operation of the Act.

Inquiries, Public.—C. 25 amends the Public Inquiries Act by providing that a Commission appointed to inquire into any matter or charge may also be given power to inquire into the conduct and character of the person by whom the demand for the inquiry was made, or the charges preferred leading up to the inquiry, including editors of newspapers, such inquiry to extend to all acts done or offences committed by any such person in relation to public affairs, and including all matters tending to disclose the motives of any such person in demanding the inquiry or preferring the charges.

Insurance.—Cc. 26 and 29 make provision for the keeping by licensed insurance companies of certain books and records as to their business within the Province, and for the inspection and auditing of the books so kept.

Insurance, Life.—C. 27 is an Act designed, as stated in its title, to make uniform the law respecting life insurance contracts. First passed by the Legislature of British Columbia, it has since been adopted in six of the other eight Provinces of Canada. This uniform Act is the result of work extending over several years participated in by the Association of Superintendents of Insurance of the Provinces of Canada, the Canadian Life Officers' Association, and the Conference of Commissioners on Uniformity of Legislation in Canada. The principal features of the Act

are the following. It applies (s. 3) compulsorily to all contracts made in the Province after September 2, 1924, when the Act came into force, and, in so far as obligations have not matured, to contracts made before that date. Certain contracts are deemed (s. 4) to be made in the Province, the test being residence of the insured. A written policy (s. 5) setting out certain acts (s. 6) is provided, and terms not so set out are invalid (s. 7). Non-disclosure and misrepresentation of material facts alone are grounds for avoiding a contract (ss. 8–9). Certain statements become incontestable after two years (s. 10) and errors as to age are specially provided for (s. 11). Payment of the first premium and delivery of the policy are concurrent conditions precedent to a contract taking effect (s. 12), but provision for a period of grace for payment of subsequent premiums is made by s. 13. Agents of the insurer and others are not to be deemed agents of the insured to his prejudice (s. 16). Insurable interest is made essential, and certain cases of insurance on the lives of others mentioned (ss. 17–20). A minor over sixteen is given the right of an adult to insure his own life (s. 21), but insurance on the lives of children under ten is regulated (s. 22). Ss. 23–40 relate to beneficiaries, three classes of whom are created by the Act, beneficiaries for value, preferred beneficiaries and ordinary beneficiaries. The first class has a vested indefeasible interest (s. 24), and the second is treated as *cestuis que trust* (s. 28). The insured, however, has various powers of apportioning the insurance money. A divorced husband or wife ceases to be a beneficiary (s. 32), and may also become disentitled when living apart (s. 33). The rest of the Act simplifies procedure as to proof claims, trustees and such matters. Insurance-money is required to be paid in the Province (s. 42).

Land Registration.—C. 31 provides, by way of amendment of the statute dealing with the registration of titles, that where probate is granted to one of the persons named as executors, power being reserved to the others to prove, sales of real estate made by the proving executor without the authority of the Court shall be as effectual as if all the persons named as executors had concurred therein. Provision is also made in respect of sales of land, whether in or out of Court, that any existing charge or encumbrance, whether immediately payable or not, may by order of Court be met by payment into Court, and the land thereupon declared to be freed from the charge or encumbrance.

Legal Professions.—C. 35 makes it possible for a solicitor of the Province, who has been in actual practice for not less than five years, to be called to the Bar without passing any examination, and *vice versa*.

Liquor-control.—C. 38 provides, by way of amendment of the Government Liquor Act, for the granting to certain clubs licences entitling the members to keep on the premises of the club a reasonable quantity of intoxicating liquor for personal consumption on the premises. It also makes provision, in conjunction with c. 39, for the issuance of licences for the sale of beer by the glass on certain premises within areas where such issuance has been approved by vote of the electors.

Lunacy.—C. 42 enables the Attorney-General, who acts *ex-officio* as committee of lunatics confined in the public hospital for insane, to complete certain business transactions in connexion with a lunatic's estate even after the lunatic has escaped or been discharged from the hospital. A charge of 5 per centum on the estates of lunatics is provided to meet the cost of administration by the Attorney-General as committee.

Married Women's Property.—C. 44 gives effect to all judgments against married women, notwithstanding that any judgment is not in the form appropriate under the Married Women's Property Act.

Motor-vehicles.—C. 49 prescribes a maximum speed of ten miles per hour for motor-vehicles when passing any school. It also provides for the arrest without warrant of offenders in certain cases.

Revised Statutes.—C. 62 provides for the completion of a revision and consolidation of the public general Statutes of the Province by the Legislative Counsel under the directions of the Attorney-General, and for the bringing of the same into force by Proclamation of the Lieutenant-Governor.

Stockyards and Live-stock Exchanges.—C. 63 is supplementary to federal legislation, and purports to give effect to the provisions of the Live Stock and Live-stock Products Act, 1917, of the Dominion of Canada, so far as such provisions are within the legislative authority of the Province and outside that of the Dominion.

Taxation.—C. 71 imposes a tax for provincial purposes of one half cent per gallon of all fuel-oil consumed in the Province, and c. 72 imposes a similar tax of 3 cents. per gallon on gasoline.

Women's and Girls' Protection.—C. 76 prohibits the employment of any white woman or girl or any Indian woman or girl in any place of business or amusement where, in the opinion of the Police, it is advisable in the interest of the morals of such women and girls that they should not be employed.

Consolidation of the Statutes relating to several subjects was effected as follows: Respecting Crown timber and the conservation and preservation of forests (c. 17); respecting the cancellation and amendment of plans (c. 56); respecting the Provincial Police Force and Provincial gaols (c. 57); respecting probate duty (c. 58); respecting rural telephone systems (c. 73).

4. MANITOBA.

[*Contributed by* ERSKINE W. IRELAND, ESQ.]

First Session: Public Acts—104; Private Acts—21.

Second Session: Public Acts—2; Private Acts—1.

Of the 125 Acts enacted for 1923 (First Session), 70 are amending Acts and 55 cover new legislation.

Inspection of Certain Financial Companies.—C. 12 empowers the Attorney-General of the Province of Manitoba, of his own motion or upon an application being made to him in writing, to appoint some competent person to make a special examination and audit of the books, accounts and securities of any company, and to inquire into the conduct of the business of the company generally. It is provided that the costs of such examination shall be at the expense of the company, and that if, as a result of such examination, the examiner believes that the assets of the company are not sufficient to justify its continuance in business, he shall so report to the Attorney-General, who has power to cause the company to cease business. The Attorney-General is also authorized and empowered, if in his discretion the circumstances warrant, to cancel

or rescind any order made by him cancelling the licence of a company and to permit again a company to transact business.

It is provided that offences under this Act shall be prosecuted under the Manitoba Summary Convictions Act. The penalty for failure on the part of the officer, servant or agent of a company to assist the examiner or for transacting further business for the company after the issuing of an order directing the company to transact no further business, is a fine not to exceed $500 and imprisonment for a term not to exceed one year.

Gasoline Tax.—C. 14, amended by c. 15, provides that every person who purchases within the Province any gasoline for use or consumption by himself, his family, agent, employee or partner, or in any business or occupation in which he is interested or employed, shall pay to His Majesty for the public use of the Province of Manitoba at the time of purchasing or coming into possession of such gasoline a tax equal to 1 cent on every gallon thereof so purchased. The tax is collected by the dealer who is to make monthly returns.

Grain-dealers' Licensing.—Under the provisions of c. 16, no person shall engage in the business of a grain-dealer in Manitoba without first obtaining a licence from the Minister of Agriculture and Immigration. The licence covers the period of one year, and before it is issued to a grain-dealer the applicant must file with the Minister of Agriculture and Immigration a bond in such form as may be required.

Licences must also be taken out by persons in Manitoba, canvassing or soliciting business for grain-dealers.

The Act provides that the contract of a non-licensee is voidable at the option of the producer or other party who is to furnish the grain.

There is a section in the Act relating to penalties generally, and to penalties on corporations.

Grain Futures Taxation.—C. 17 provides that upon every contract of sale of grain for future delivery made at, on or in any exchange or similar institution or place of business in Manitoba, except as thereinafter provided, the seller or his broker or agent shall pay to His Majesty for the public use of the Province a tax computed upon the gross quantities of grain sold or agreed to be sold, as follows: upon every 1,000 bushels of flax-seed, 12 cents; upon every 1,000 bushels of wheat, 6 cents; upon every 1,000 bushels of oats, barley or rye, 3 cents.

No such tax shall be payable in any case in which:

(*a*) The seller is the grower of the grain; or

(*b*) Either party to the contract is the owner or tenant of the land upon which the grain is to be grown; or

(*c*) The sales are cash sales of grain or other products or merchandise which, in good faith, are actually intended for immediate or deferred delivery; or

(*d*) The sales are "transfer," or "scratch sales" or "pass-outs," provided that the purchase and sale are made at the same exchange, on the same day, at the same price, and for the account of the same person; or

(*e*) The sales are made by a broker on account of a principal, and the name of the principal is not disclosed to the buyer, provided that the principal sells to the broker the same quantity and the same grade and kind of grain at the same price, on the same day, on the same exchange, the only tax in this case being the tax payable by the principal.

The Act provides that the tax imposed shall be payable in cash by

the seller, his broker or agent, in each case not later than the tenth day of each month. Satisfactory evidence as to transactions must be furnished to the Minister appointed under the Act. Dealers must be registered and keep proper records, and, for the purpose of ascertaining whether the tax imposed by the Act has been paid, the Minister may authorize in writing, an officer of his department to examine the books, records and papers of any company, firm or person engaged in transactions taxable under the Act. There are sections in the Act relating to penalties for failure to pay the tax.

Income-tax.—C. 19 authorizes the levying of a tax upon personal incomes. The following are not liable to taxation thereunder:

(*a*) One thousand dollars of income in the case of unmarried persons and widows or widowers without dependent children, and persons who are not supporting dependent brothers or sisters under the age of eighteen years, or a dependent parent or parents, grandparent or grandparents, and $2,000 in the case of all other persons.

(*b*) The income of consuls and consular agents who are citizens of the country they represent, and who are not engaged in any other business or profession.

(*c*) Any pension granted.

(*d*) The income derived from any provincial bonds issued exempt from income-tax.

Certain deductions are made for dependent children, for money paid as insurance premiums, for depreciation, for money retained by an employer in connexion with an employee's superannuation or pension fund, for payments made under the Special War Revenue Act of 1915, Statutes of Canada, for income-tax paid to the Dominion of Canada under the Income tax Act, and for—

The amount paid to Great Britain or any of its self-governing colonies or dependencies for income-tax in respect of the income of the tax-payer derived from sources therein, and the amount paid to any foreign country for income-tax in respect of the income of the tax-payer derived from sources therein, if, and only if, such foreign country in imposing such tax allows a similar credit to persons in receipt of income derived from sources within Canada; provided that such deductions shall not at any time exceed the amount of tax which would otherwise be payable under the provisions of s. 8 of this Act in respect of the said income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country; and further provided that the said deduction shall be allowed only if the tax-payer furnishes evidence satisfactory to the Minister showing the amount of tax paid and the particulars of income derived from sources within Great Britain or any of its self-governing colonies or dependencies or any foreign country.

The Act further provides that there shall be levied upon the income during the preceding year of every person residing or ordinarily resident in Manitoba or who remains in Manitoba during any calendar year for a period or periods equal to 183 days on the first $1,000 of taxable income, or any part thereof, 1 per cent. The rate is increased one-half of 1 per cent. on each additional $1,000 of taxable income; until the maximum rate of 7 per cent. is attained.

There are sections in the Act relating to the matter of returns, penalties, the collection and enforcement of the tax, appeals to a tax commis-

sion, and to the Minister and finally to the judge of the Court of King's Bench whose decision shall be final.

Live Stock and Live Stock Products.—The Dominion Act, the Live Stock and Live Stock Products Act, was passed in 1917, and by c. 24 is made applicable to Manitoba.

Public Utilities.—S. 1 of c. 35 provides that—

> Where by any statute of this Province any application is required to be made to the Public Utilities Commission, any maps, plans or documents to be filed with the said Commission, any permits, certificates or authority to act before acting to be obtained from the said Commission; any railway crossing or connexion or height of railway bridges or condition of highways or adequacy of railway equipment, or the distribution of water to municipalities is to be regulated or approved, or any appointment to be made, petition or appeal heard or any other application, proceeding, order, agreement, audit or inquiry to be heard, made, taken, done, approved or regulated by the said Commission, the same shall be heard, made, taken, done, approved or regulated before or by the Provincial Secretary, and the Public Utilities Act, the Manitoba Railway Act, the Greater Winnipeg Water District Act, the Municipal Hospitals Act, the Winnipeg Charter, the Sales of Shares Act, and all other statutes providing for orders, directions or regulations of the said Commission are hereby amended accordingly.

The Act provides that, for the purpose of carrying out the provisions thereunder the Provincial Secretary shall have, hold and exercise all the powers and authority given to or held or exercised by the said Commission under the said Acts.

By an amendment in the statutes of 1924, being c. 50, s. 2, the word "Minister" was substituted for the words "Provincial Secretary"—the "Minister" meaning the Municipal Commissioner or some other member of the Executive Council designated by the Lieutenant-Governor in Council as Minister.

The Referendum (Control and Sale of Liquors).—C. 38 was an Act referring to the electors the question whether the Legislature of the Province of Manitoba should enact a proposed law entitled, "An Act to provide for Government Control and Sale of Liquors," proposed by the Moderation League.

The Act fixed June 22, 1923, as the date of voting. It contains several sections relating to the qualification of voters, the manner of voting and penalties for the violations of the Act.

In consequence of this Act a referendum was taken on June 22, 1923, and a very large majority of the electors registered themselves in favour of government control and sale of liquors.

On July 22, 1923, at the second session of the local legislature for 1923, the Government Liquor Control Act was passed, and the machinery provided thereunder for the government sale of liquors was immediately put into operation.

The Referendum (Beer and Wine).—C. 39 was an Act passed for the purpose of referring to the electors the question whether the Legislature of the Province of Manitoba should enact a proposed law entitled "An Act to amend 'The Manitoba Temperance Act,'" proposed by the Beer and Wine League.

The Act fixed July 11, 1923, as the date of voting. It contains several sections relating to the qualification of voters, the manner of voting, and penalties for the violation of the Act.

In consequence of this Act a referendum was taken on July 11, 1923, and a substantial majority of the electors declared themselves as opposed to the enactment of the proposed legislation.

To the Referendum (Beer and Wine) Act, there is a long and special schedule containing the proposed law, being " An Act to Further Amend the Manitoba Temperance Act."

The proposed Act contained a section providing that a brewer licensee might sell beer for beverage purposes to a hotel-keeper licensee, or to any individual (beer containing by weight not more than 4 per cent. of alcohol). In the proposed law there were rules as to the granting of licences to hotel-keepers, and as to when, where and to whom hotel-keeper licensees might sell beer and light wines. The electors having expressed themselves in June 1923 as being strongly in favour of the government control and sale of liquor, rejected the proposed law for the sale in public hotels of beer and light wines.

Loans for Seed-grain.—The preamble of c. 41 recites as follows :

> Whereas there are certain localities in the Province of Manitoba in which damage has been sustained by persons engaged in agricultural pursuits to such an extent as to render them unable to procure seed-grain for use in the season of the year 1923, and whereas it is expedient to provide means whereby said persons may obtain seed-grain.

Under the Act, Rural Municipalities are empowered to borrow up to $60,000 for the purpose of furnishing seed-grain to farmers who are unable to procure the same either by promissory notes or by the issue and sale of debentures.

By c. 42 the Lieutenant-Governor in Council is empowered to advance a sum of money not exceeding $10,000 for the purchase of wheat, oats, barley and flax, and delivery thereof by the Department of Agriculture and Immigration to farmers who are unable to procure the same and being residents in the districts commonly known as Lowe Farm and Kane for seed purposes in the year 1923. The Lieutenant-Governor in Council is further empowered to make regulations which shall have the force of law for the purchase and distribution of such grain, and for the taking of security for the repayment by the farmers aided. It is provided that as additional security the Minister of Agriculture and Immigration shall file or register in the land titles or registry office a certificate which it is the duty of the district registrar or registrar to enter and record as a lien or charge against the lands in question operating as a first lien or charge in favour of His Majesty.

Warehousemen's Liens.—C. 53 is an Act to make uniform the law respecting warehousemen's liens. Subject to certain provisions, every warehouseman shall have a lien on goods deposited with him for storage, whether deposited by the owner of the goods or by his authority, or by any person entrusted with the possession of the goods by the owner, or by his authority. The lien shall be for the amount of the warehouseman's charges.

S. 4 provides that where the goods on which a lien exists were deposited not by the owner, or by his authority, but by a person entrusted by the owner or by his authority with the possession of the goods the warehouseman shall, within two months after the date of the deposit, give notice of the lien (*a*) to the owner of the goods, and (*b*) to the grantee of the goods under any bill of sale or chattel mortgage at that date.

The said notice must be in writing, and contain a description of the goods and where they are stored, and a statement that a lien is claimed by the warehouseman. Where there is failure to give notice, the warehouseman's lien, as against the person to whom he has failed to give notice, shall be void as from the expiration of the period of two months from the date of the deposit of the goods.

S. 5 enables the warehouseman to enforce his lien by a sale of the goods by public auction. There must be notice given of intention to sell. There are sub-sections relating to the contents of the notice, and to the advertisement of sale.

Public Amusements.—C. 1 is an Act to amend and consolidate the law respecting the regulation and taxation of public amusements. S. 2 contains definitions of terms, such as " amusement," " dancing-hall," " film," " theatre film exchange," " travelling picture-show," etc.

The Act provides that no person shall exhibit any film or slide in a theatre, or conduct, manage or operate any place of amusement, or open the same for the reception of the public therein, upon payment of an admission price, or any film exchange or theatre film exchange, unless and until a valid and subsisting licence has been first obtained. There are several sections relating to licences.

S. 9 of the Act imposes a special tax upon film exchanges, theatre film exchanges, travelling picture-shows, circuses, menageries or carnival shows.

The Act provides for the appointment of an Examining Board of three persons, among the duties of which are to prescribe rules and regulations respecting the qualification and examination of persons applying for licences, as moving picture machine operators, to grant, renew, revoke and suspend such licences, and to fix and collect fees for such examinations and such licences.

S. 16 of the Act empowers the Lieutenant-Governor in Council to appoint a board of censors with power to permit the exhibition, or absolutely to prohibit or reject any film or slide which it is proposed to use or exhibit in Manitoba. All films or slides intended to be used must be inspected by the board of censors, and such board passes upon the fitness for public exhibition of all such films or slides.

S. 21 of the Act contains a schedule of taxes, ranging from 1 cent on prices of admission not over 15 cents to 10 per cent. on admission above 3 dollars.

The tax is to be collected in cash by the owner of the place of amusement, who must make regular returns. There are certain admission fees, which are exempt from payment of the tax, such as admission fees to exhibitions of paintings or works of art, to skating-rinks, or amateur entertainments in any schoolhouse or church.

The Act contains sections relating to penalties for offences thereunder.

Builders and Workmen.—The amendment (c. 2) makes the Builders' and Workmen's Act applicable to municipalities. It further provides that there shall be no appeal from any judgment, order or decision given or rendered in any action or proceeding provided for in the said Act, unless the amount in question is $20 or more, or unless the same is rendered under s. 8 of the said Act.

Cemeteries.—The amendment (c. 3) simply empowers any company created under this Act to convey the lands held by it for cemetery purposes to any municipality which may pass a by-law accepting or

purchasing the same for the purpose of continuing the same as a public cemetery.

Companies.—The amendments by c. 4 consist chiefly of the addition of certain subsections to sections of the Act. To s. 5 of the said Act there are added several subsections relating to such matters as the preferred stock of companies, the allotment of shares, the commencement of business, the limitation of dividends. S. 86 of the Companies Act is repealed, and there is a section substituted relating to the returns of a company, and the cancellation of the charter or letters patent of a company in default.

The amendment by c. 5 requires companies incorporated by private Act to make returns.

Contracts relating to Land.—The amending Act (c. 6) provides for the gradual withdrawal of the benefits of the Act as follows:

(*a*) To the extent of 10 per cent. of the principal after December 31, 1923.

(*b*) To the extent of 25 per cent. of the principal after December 31, 1924.

(*c*) To the extent of 50 per cent. of the principal after December 31, 1925.

(*d*) Altogether after December 31, 1926.

Dower.—The amendment (c. 8) is retroactive and provides for the addition of the following words to s. 16A of the Dower Act—" or within such further time as the judge of the Surrogate Court may order." This amendment has the effect of removing the time limit for election by the executor of a widow.

Land Drainage.—The amendment (c. 9) is retroactive and provides for the addition of several subsections to s. 16 of the Land Drainage Act of 1913. Power is give to the Lieutenant-Governor in Council to raise money by way of loan for the purposes of the Act, and the Lieutenant-Governor in Council is empowered to expend moneys so borrowed. He may also, by Order in Council, determine the annual levies to be made upon the lands in any drainage district.

Employment Bureau.—The amendment (c. 10) reads as follows:

> No person, corporation or association shall operate any employment agency as his business or occupation, and whether for fee or gratis, send or persuade, entice, induce, procure or cause to be sent from or to any place within the Province, to or from any place outside the Province, or between any two places within the Province, any person seeking employment or undertake to give or give or furnish information regarding employers seeking work or workers seeking employment. This subsection shall not apply to employment offices maintained by employees as part of their business organization for the exclusive purpose of engaging workers for such business.

Manitoba Farm Loans.—C. 11 contains amendments among which the board is given additional powers with respect to the maintaining in good condition, cultivating, cropping and improving lands to which the title is held by the Association. The board is not made liable for the application of the proceeds of loans.

There is a section in the amending Act relating to advances for the purchase of seed-grain.

Game Protection.—The amending Act (c. 13) increases the amount of the big game licence from $4 to $5. It further provides that the

duck season for Northern Manitoba shall open on September 1. The bird licence is increased from $1 to $2. The close season on beaver in Northern Manitoba is removed, except for the period May to November.

There are sections in the amending Act relating to game sanctuaries.

The Lord's Day.—The amending Act (c. 25) sets out exceptions to the prohibitions contained in the Lord's Day Act. There is a section added which reads as follows:

> Notwithstanding anything to the contrary in this or any other Act of this Legislature or in any law in force in this Province over which this Province has legislative authority, it shall be lawful for any person or corporation on the Lord's Day, to run, conduct or convey by any mode of conveyance any excursion on which passengers are conveyed for hire, to summer resorts, beaches or camping grounds within the Province.

Magistrates.—Justices of the peace or police magistrates must make returns of convictions in the docket book supplied for the purpose by the Inspector of Legal Offices. The Amendment Act (c. 26) requires also that justices of the peace or police magistrates shall make semi-annual returns. There is a further amendment relating to the qualifications of justices of the peace.

Marriage.—The amending Act (c. 27) provides for the transfer of the duties of the Department of Agriculture and Immigration under the Marriage Act to the Department of the Municipal Commission. The cost of marriage licences is increased.

Medical.—By c. 31, s. 5 of the Medical Act is repealed, and a section substituted which defines the composition of the Council. There are amendments relating to homœopathic practitioners, the medical library, British registration, annual fees, costs of cases of inquiry as to conduct.

It is provided that the Council of the college shall from amongst themselves select annually one person to be a member of the University Council.

It is further provided that the Council may expend moneys for encouraging interest in and knowledge of medical and surgical science and practice, and for purposes deemed to be for the general advantage of the medical profession and the members of the college.

Motor-vehicles.—There is a section in the amending Act (c. 32) relating to the description of a vehicle.

S. 2 relates to the schedule of fees for motor-vehicles. In the case of motor-vehicles other than motor-trucks and motor-cycles, the registration fees are based upon the length of the wheel base in inches, and vary from $15 to $35. In the case of motor-trucks, the registration fees are based upon carrying capacity, and vary from $20 to $50. The registration fee for motor-cycles is $5 and for motor-cycles with side-car $7.50.

Persons other than owners of motor-vehicles must obtain permits from the Municipal Commissioner before they can operate same.

There is a penalty provided for unlawful speeding.

Where any loss, damage or injury is caused to any person by a motor-vehicle, the onus of proof that such loss, damage or injury did not arise through the negligence or improper conduct of the owner or driver of the motor-vehicle, and that the same had not been operated at a rate of speed greater than was reasonable and proper, having regard to the traffic and use of the highway or place where the accident happened, or so as to endanger or be likely to endanger the life or limb of any person

or the safety of any property, shall be upon the owner or driver of the motor-vehicle.

There is a section which provides for the cancellation of a permit or licence for driving while intoxicated.

Public Schools.—S. 1 of c. 34 relates to the definition of the expression "non-resident pupils."

There are sections relating to complaints involving the qualification or election of a trustee, the elector's oath of qualification, duties of trustees generally, duties of school boards in cities, towns or villages.

It is provided that it is the duty of each and every board of school trustees to furnish each of its teachers with an agreement in writing within two weeks from the beginning of the engagement, and to file with the Department of Education within the said period a copy of such agreement certified by the secretary-treasurer.

Succession Duties.—An allowance is made by the amending Act (c. 43) for funeral expenses, not exceeding $400.

S. 2 provides for life insurance to pay duties.

S. 5 provides for the substitution of a new table of duties, and contains a new table of duties. There is a section relating to the present value of life annuities in which a table is set out.

Summary Convictions.—The amendment (c. 44) relates to the use of evidence, and provides that, notwithstanding any statute or law to the contrary, the evidence taken in connexion with any conviction or order shall be treated as part of such conviction or order in any motion, application or proceedings to quash same, whether by *certiorari* or otherwise.

Town Planning.—By c. 50 the owner whose property is benefited is to contribute up to one-half to municipality by scheme. Provision is made for a method of arbitration on increase in value. There are amendments relating to penalties and to fees to be charged for services performed or rendered under the Act.

Vital Statistics.—The amending Act (c. 51) contains provisions relating to fees for searches and services. Births must be registered within three months, instead of within one year, and the same rule applies to marriages, and also to burials for which the period had been two years.

War Relief.—C. 52 is an Act to amend the War Relief Act, 1918. S. 1 provides for the continuance of the Act. Absolute protection is given by s. 2 with respect to the homestead of any person for whose benefit the Act was passed. Similar protection is afforded and given to the widow of any person for whose benefit the Act was passed, or to any person for whose benefit the Act was passed who is in receipt of a pension by reason of war disability.

The Act is extended to May 31, 1924.

By s. 6 of the amending Act it is provided that four new sections be added to the original Act, namely, ss. 28 to 31 both inclusive.

S. 28 provides that a notice must be filed in order to protect lands under foreclosure, etc.

S. 29 gives certain powers to judges to dispense with all or any of the restrictions, prohibitions and conditions contained in the Act. S. 30 defines the expression "homestead."

S. 31 provides that nothing in the War Relief Act or any amendment thereto shall be construed as depriving any person of any benefit or

protection under "An Act respecting Contracts relating to land" or any amendment thereto.

The second session (called the July Session) of 1923 was held primarily to put into effect with all despatch the Government Liquor Control Act, and this Act is the only Act of the session that need be considered.

Government Liquor Control.—S. 2 of c. 1 contains a number of definitions, and s. 3 provides that—

> The Government shall establish, maintain and operate at the City of Winnipeg and at such other cities and towns throughout the Province as are considered advisable, stores to be known as government stores for the sale of liquor in accordance with the provisions of this Act and the regulations; provided that no such store shall be established or maintained in any municipality where a local option by-law is in force.

The administration of the Act is vested in the Government Liquor Control Commission, consisting of three members, one of whom is chairman of the Commission. Two of the members constitute a quorum. The chairman is required to devote his whole time and attention to the business of the Commission, and can follow no other occupation whatsoever. The members of the Commission are appointed by the Lieutenant-Governor in Council, who names the chairman; and the Lieutenant-Governor in Council is given power to fill any vacancies in the Commission, and fixes the salaries of the members of the Commission.

S. 10 enumerates the functions, duties and powers of the Commission, which include:

(*a*) To buy, to import and have in its possession for sale and to sell and deliver liquor.

(*b*) To buy or lease or erect and furnish and equip any buildings or land required for the operation of the Act.

(*c*) To buy or lease all plant and equipment it may consider necessary.

(*d*) To grant, refuse or cancel permits for the purchase of liquor.

(*e*) To appoint officers, inspectors, clerks, etc.

(*f*) To determine the places within which government stores shall be established.

S. 11 gives the Commission power to make certain regulations, relating to such matters as the duties of officers and servants, prescribing the hours and days during which government stores shall be open, providing for the issuing and distributing of price lists showing the price to be paid by purchasers for each variety of liquor kept for sale; prescribing the kinds and quantities of liquor which may be purchased.

Only holders of permits may purchase liquor from the Government.

Drinking is not permitted in government stores.

Permit holders may have beer delivered to them by licensed brewers, direct to their residences. Each brewer must make monthly returns to the Commission showing the gross amount of the sales of beer.

S. 22 relates to the issuing of permits. Two classes of permit are issued. Where the application for a permit is made by a person of the full age of twenty-one years, who is temporarily resident in Manitoba, a temporary permit, good for one month, is issued and the fee therefor is 50 cents for a single purchase of liquor and one dollar in other cases. Where the application is made by a person of the full age of twenty-one years, who has resided in the Province for at least one month, a general

permit may be issued; and where one purchase only is made, the fee therefor is 50 cents; where more than a single purchase is made, the fee is one dollar.

Ss. 31 and 32 provide that no liquor is to be procured for or supplied to persons whose permit is suspended or cancelled or to interdicted persons.

Sales in unauthorized places are prohibited—members of the Commission and employees are not allowed to be interested in the liquor trade—soliciting and receiving commissions from persons selling to or purchasing liquor from the Government is prohibited.

S. 46 provides that "Where it is made to appear to the satisfaction of any police magistrate or any two justices of the peace that any person residing or sojourning within the Province, by excessive drinking of liquor, misspends, wastes or lessens his estate, or injures his health, or endangers or interrupts the peace and happiness of his family, the justice may make an order of interdiction directing the cancellation of any permit held by that person and prohibiting the sale of liquor to him."

There are a number of sections in the Act relating to penalties for violations of the provisions thereof.

The Commission is required to render accounts to the Provincial Treasurer, to make reports to the Attorney-General, and annual reports of the Commission are to be laid before the Legislature.

There are sections in the Act relating to appeals and other sections containing general provisions relating to such matters as the oath of administration to be taken by each member of the Commission.

5. NEW BRUNSWICK.

[*Contributed by* M. B. Dixon, Esq.]

Acts passed—103: Public—48; Private—55.

Appropriation.—Act No. 1 provides $443,775·30 for Civil Government, and by Act No. 2 $639,902·32 for roads and bridges and public works is provided.

Provincial Hospital.—Act No. 3 is a consolidation of previous Acts relating to the care and maintenance of insane persons, and custody and disposition of any property belonging to any insane person.

Public Hospitals.—Act No. 5 provides for the admission and treatment of patients in any public hospital, and the liability of cities, towns and municipalities for payment of fees of pauper patients.

Liens on Goods and Chattels.—Act No. 7 gives workmen, warehousemen, wharfingers and bailees a lien on certain goods in their possession and provides for enforcing such lien.

Warehousemen's Liens.—Act No. 9 gives warehousemen a lien on goods deposited with them for storage, and provides a means of enforcing such lien.

Judicature.—Act No. 12 amends the Judicature Act, 1909, and provides for certain sittings of the Chancery Division, for sittings of Circuit Courts and for examination of witnesses before trial.

Pharmacy.—Act No. 14 is a consolidation of the Acts relating to drugs and druggists. It provides for examination and qualification of candi-

dates for registration, makes the Society a body corporate, provides for election of a Council and officers, makes regulations for dispensing and selling drugs and medicines, provides penalties for dispensing or selling drugs by persons who have not been duly registered.

Electricity.—Act No. 15 amends the New Brunswick Electric Power Act, and provides for districts outside the limits of cities or towns being incorporated for the purpose of procuring electric light and power.

Quieting of Titles.—Act No. 16 provides for a person claiming to be owner of land to have his title investigated before a judge of the Supreme Court. In case the judge finds the title good, he may grant an order accordingly, which, on being recorded in the Record Office, vests the title absolutely in the applicant subject to an appeal in certain cases.

Inter-provincial Home for Young Women.—Act No. 18 provides for a home to which young women of sixteen years of age and upwards, who have been convicted before a stipendiary or police magistrate of certain offences, may be committed and detained therein for a certain term. Provision is made for the payment of the board of each woman while confined in said home.

Sale of Securities.—Act No. 19 requires that a licence must be secured for the sale of shares, stocks, bonds or other securities. The Act provides for penalties for the sale of shares, stocks and securities without a licence being first obtained.

Vocational Education.—Act No. 27 provides for the establishment of schools for technical education, and the mode of maintaining the same and the qualifications of teachers therein.

Circuses and Travelling Shows.—Act No. 36 provides for a licence fee or tax to be paid by all circuses and travelling shows. Penalties are provided to be paid by anyone who exhibits such circus or travelling show without first obtaining a licence therefor.

Dairy Industry.—Act No. 38 fixes the quality of milk or cream supplied to a creamery or cheese factory. Inspectors are appointed to examine and test milk or cream so supplied.

The Acts not above referred to are of minor importance and chiefly slight amendments to other Acts.

6. NOVA SCOTIA.

(It is hoped to publish this Summary of Legislation in the next *Review*.)

7. ONTARIO.

[*Contributed by* JOHN D. FALCONBRIDGE, ESQ., K.C.]

Acts passed—112 ; Public—57 ; Private—55.

The fourth and last session of the fifteenth legislature of Ontario began on January 23 and ended on May 8, 1923. The annual volume of statutes contains 443 pages, of which only 192 pages are occupied by public Acts (including two consolidating statutes).

Elections.—The Election Laws Amendment Act (c. 3) amends and supplements the Ontario Election Act as last consolidated in 1914, the Election Laws Amendment Act, 1920, and the Ontario Voters' Lists

Act, 1922. In view of these amendments and other amendments of the original Act (made in 1916, 1917 and 1921), a new consolidation of the statutes relating to elections is very much to be desired.

Publication of Betting Information.—The Betting Information Act (c. 5) makes it an offence, punishable by a fine not exceeding $500, and imprisonment for a period not exceeding six months, to publish any betting information (including " tips, selections, choices, odds, winning money prices, prices paid to winners, pari-mutuel payments or any similar intelligence relating to, applicable to, or connected with any horserace, steeplechase, pacing, running or trotting race, whether held within or without Ontario "). It is, however, provided that nothing in the Act shall be taken as intended to prevent the publishing or keeping, during a race-meeting, on premises upon which an incorporated association is lawfully conducting races in Ontario, of betting information relating to races run, being run, or to be run upon such premises (s. 4), or shall be construed as extending to or prohibiting any act, the doing of which has been forbidden or made an offence by the Parliament of Canada (s. 5), or shall render unlawful or prohibit the sale or distribution of newspapers published in the United Kingdom (s. 6). In *Rex* v. *Lichtman*, 1923, 54 Ontario Law Reports 502, the Ontario statute was held to be *ultra vires* on the ground that the Dominion Parliament had dealt with the same subject, and had occupied the field, and that the provincial Legislature could not amend the Dominion statute. Parliament had made it an offence to publish betting information with intent to aid or assist in betting. The Ontario Legislature desired in effect to amend that law so that publication should be an offence without the intent. On that ground, without regard to other points raised, the Ontario statute was held to be *ultra vires*.

Northern Ontario Aid and Development.—The Northern Fire Relief Act (c. 7) is an Act to grant aid to certain municipalities on account of losses sustained by forest fires during 1922, and is supplemented by an Act to incorporate the Northern Ontario Fire Relief Committee (c. 9). An Act to make further provision for development work in Northern and Northwestern Ontario (c. 8) authorizes the Lieutenant-Governor in Council to raise 5,000,000 dollars by way of loan, to be used in development work pursuant to a long series of similar statutes passed from 1912 on.

Reforestation.—The Reforestation Act (c. 10) enlarges the authority of the Minister of Lands and Forests to lease, purchase or expropriate land in Ontario for reforestation purposes.

Archives.—The Archives Act (c. 20) enacts that the Bureau of Archives instituted in the year 1903 shall be continued, and shall be known as the Department of Public Records and Archives of Ontario, and makes provision for the administration of the department under the direction of a permanent official.

Judicature.—An Act to amend the Judicature Act (c. 21) makes an important change in the constitution of the Supreme Court of Ontario. Prior to January 1, 1913, the Supreme Court of Judicature for Ontario was closely modelled on the English system, there being a Court of Appeal and High Court of Justice, and Divisional Courts of the High Court. By the Law Reform Act, 1909, which came into effect on the date mentioned (1913), the Supreme Court of Ontario was constituted, comprising the Appellate Division and the High Court Division. The Divisional

Courts of the High Court were abolished, and it was provided that the Appellate Division should sit in two Divisional Courts. One of the objects of the change was to make it impossible to have more than one appeal within the Province from the judgment of a third judge. A curious feature of the Act of 1909 was that the first Divisional Court of the Appellate Division was permanent in its membership, whereas the second divisional court was to be composed of five judges chosen by the judges from year to year from among the members of the High Court Division. It is this feature which is changed by the legislation of 1923. The membership of the second divisional is made permanent. One result of the legislation of 1909, as well as of that of 1923, is that, of nineteen judges of the Supreme Court, ten are assigned to appellate work and only nine to trials and chambers.

Coroners.—The Coroners Amendment Act (c. 24), in addition to providing that chief coroners shall receive salaries, instead of fees, provides:

> It shall not be necessary for a jury to view the body upon which an inquest is being held when the coroner, with the consent in writing of the crown attorney, directs that the viewing of the body shall be dispensed with.

Trustees.—The Trustee Act (c. 25) provides:

> To remove doubts it is declared that subject to the terms of any instrument creating a trust the sole trustee or the last surviving or continuing trustee appointed for the administration of the trust, has and always has had authority to appoint by will another person or other persons to be a trustee or trustees in the place of such sole or surviving or continuing trustee after his death, but nothing in this section shall affect or render invalid any appointment of a trustee by the personal representatives of a sole or surviving or continuing trustee or otherwise heretofore made but all such appointments shall be as valid and effectual to all intents and purposes as if this section had not been enacted.

Registration of Deeds.—The Registry Amendment Act (c. 26) provides, *inter alia*:

> Every deed or conveyance and every charge or mortgage registered under this Act, shall by endorsement thereon show the full name and place of residence, giving the street number (if any), of the grantee or mortgagee, as the case may be.

Assignment of Book Debts.—The Assignment of Book Debts Act (c. 29) provides in effect that an assignment (including mortgage), by any person engaged in any trade or business, of his existing or future book debts or accounts, or any class or part thereof, shall be in the same position as a mortgage of chattels—that is to say, it must be in writing and must be accompanied by an affidavit of execution made by an attesting witness, and by an affidavit of the assignee, or his agent, that the assignment is made in good faith, and for "good consideration" (including a past, present or future advance of money), and the assignment with the affidavits must be registered within a limited time after the execution of the assignment. If these conditions are not fulfilled, the assignment is null and void as against the creditors of the assignor and as against subsequent purchasers or mortgagees of such debts or accounts or any part thereof in good faith for valuable consideration.

This statute was passed in consequence of the decision in *Royal Bank of Canada* v. *Eastern Trust Co.* [1923] Canada Supreme Court Reports 177. In this case it was held that under s. 30 of the Dominion Bankruptcy Act as it existed prior to 1922 (and as is made clear by the amendment of s. 30 in 1922), an assignment of book debts is void, as against a trustee in bankruptcy, unless there is a provincial statute providing for the registration of assignments of book debts and such statute is complied with. The Ontario statute of 1923 contains a provision, similar to that contained in the Dominion Bankruptcy Act, that the statute does not apply to the assignment of book debts due at the date of the assignment from specified debtors, or of debts growing due under specified contracts, or to any assignment of book debts included in a transfer of a business made *bona fide* and for value, or to any authorized assignment under the Bankruptcy Act.

Mechanics' Liens.—The Mechanics' and Wage Earners' Lien Act (c. 30) is more than a consolidating Act. It is a carefully revised edition of the former statute, consolidated in 1914, and amended in 1916 and 1918.

Workmen's Compensation.—The Workmen's Compensation Act is amended (c. 31) to provide that the total monthly compensation shall not be less than $12.50 per week, " where the dependents are a widow or an invalid husband and one or more children."

Deserted Wives and Children.—The Deserted Wives' and Children's Maintenance Act, 1922, is amended (c. 32) by the conferring of jurisdiction upon the " Judge of a Juvenile Court," and in other respects.

Infants.—The Infants Amendment Act (c. 33) provides, *inter alia*:

3. (1) Unless otherwise ordered by the Court, and subject to the provisions of this Act, the father and mother of an infant shall be joint guardians and shall be equally entitled to the custody, control and education of such infant.

(2) Where the parents are not living together or where the parents are divorced or judicially separated, they may enter into a written agreement as to which parent shall have the custody, control and education of such infant, and in the event of the parents failing to agree either parent may apply to the Court for its decision.

26. (1) The Surrogate Court may appoint the father or mother of the infant or may, with the consent of the father and the mother or of the surviving parent, appoint some other suitable person or persons to be the guardian or guardians of the infant, but if the infant is of the age of fourteen years no such appointment shall be made without his consent.

Medicine and Surgery.—The Ontario Medical Act is amended (c. 35) so as to permit a person, not being a legally qualified medical practitioner, who was on January 1, 1923, practising in Ontario as an osteopath, chiropractor, or drugless healer, to file in the office of the Provincial Secretary a statement showing (*a*) his name, (*b*) his place of residence, (*c*) his degree or certificate of qualification, (*d*) evidence as to his character and good behaviour, and (*f*) the particular method which he is practising. So long as such person continues to practise according to the method named by him in such statement, he shall not be liable to a penalty under the principal Act. The Lieutenant-Governor in Council is authorized to make regulations providing for the admission to the practice of medicine and prescribing the qualifications to be required of such persons.

Sale of Securities.—The Sale of Securities Act (c. 38)—a so-called

"blue sky law," designed to protect the public against investments in worthless stock, etc.—need merely be mentioned here, as it did not come into effect, and is superseded by a new Act of 1924.

Travel on Highways.—The Highway Traffic Act (c. 48) is a long Act, partly consolidating, partly amending, the former law. Its scope may be indicated by the headings of its various "parts": (1) registration of motor vehicles and permits; (2) requirements as to equipment; (3) chauffeurs' licences; (4) garages and storage licences; (5) rate of speed; (6) weight and load; (7) rules of the road; (8) prohibitions and responsibility for accidents; (9) arrests, impounding of motor vehicles and rewards; (10) procedure, penalties and conviction; (11) traction engines on highways. The Public Vehicle Act (c. 49) is an Act to regulate the operation of public vehicles.

Registration of Guests at Hotels.—The Standard Hotel Registration Act (c. 50) requires every licensee, owner or manager of an hotel licensed as a standard hotel under the provisions of the Ontario Temperance Act to keep in such hotel a register, in which shall be entered the name and usual place of residence of every guest. A penalty is imposed upon a guest who registers under any name other than his own, or who makes a false statement as to his place of residence. A penalty is also imposed upon persons who procure lodgings in a standard hotel by falsely holding themselves out to be husband and wife.

Public Health.—The Public Health Amendment Act (c. 52) provides, *inter alia*, for investigation by the Provincial Board of Health of any complaint by a riparian owner as to the pollution of water by industrial waste or other material.

Medical Research Fund.—In view of the important discoveries made by Dr. Banting and Mr. Best in the treatment of diabetes, the Banting and Best Medical Research Act (c. 56) makes a grant of $10,000 annually, to be used by the University of Toronto for the prosecution of similar research work.

8. PRINCE EDWARD ISLAND.

[*Contributed by* W. E. Bentley, Esq., K.C.]

Acts passed—15: Public—6; Private—9.

Roads and Highways.—By c. 2 is authorized the opening of temporary winter roads where necessary, and by c. 3 the Provincial Government is given power over certain main highways or streets in the city, towns and villages for the purpose of obtaining the benefit of the provisions of the Canada Highways Act in constructing and improving highways.

Magistrates.—C. 5 authorizes the appointment of chief magistrates for the Counties of the Province, who shall have the powers of two justices of the peace.

9. QUEBEC.

[*Contributed by the* Hon. Mr. Justice Fabre Surveyer.]

There was no legislation passed for the Province of Quebec in 1923. The statutes of the second session of 1922 which ended late in December are termed 13 Geo. V, and the laws enacted in 1924 during the session which ended March 15, 1924, will be 14 Geo. V.

10. SASKATCHEWAN.

[*Contributed by* R. W. Shannon, Esq., K.C.]

Acts passed: Public—67; Private—6.

Public Health.—Matters relating to the public health were formerly administered by the Bureau of Public Health under the direction of a commissioner. A Department of Public Health has now been established (No. 9).

The department is given control of all that part of the administration of the Government which relates to public health, and *inter alia* it will (*a*) administer the Public Health Act, the Venereal Diseases Act, the Vital Statistics Act and such other Acts as may be from time to time assigned to it by the Lieutenant-Governor in Council; (*b*) institute inquiry and collect facts and statistics relating to all matters of public health; (*c*) disseminate information in such manner and form as may be found best adapted to promote health, and to prevent and suppress disease; (*d*) secure the observance and execution of the provisions of all Acts and regulations dealing with matters of public health and vital statistics; (*e*) issue from time to time such reports, statistics, circulars and other publications as may be deemed advisable; and (*f*) perform such other duties as may be assigned to it by law or by the Lieutenant-Governor in Council.

Succession Duty.—The law relating to the payment of succession duty has been amended and consolidated (No. 13). The Act provides for an almost general increase in the rates of duty payable. This applies particularly where the aggregate value of the property passing on the death exceeds $100,000. In a number of cases the minimum aggregate value of the property liable to duty is decreased, and here also the rates of duty are slightly increased. But, with one or two exceptions, there is no increase in the amount of duty payable where the aggregate value of the property passing does not exceed $100,000.

King's Bench.—An amendment to the King's Bench Act, which is made retrospective, provides that, where a deceased person who was interested in any matter in question has no personal representative, the Court or a judge may either proceed in the absence of a representative or may appoint some person to represent the estate for all the purposes of the action (No. 16).

District Courts.—The jurisdiction of the District Courts, formerly limited to $500, has been increased to $800. Another amendment gives the Courts original jurisdiction up to the same amount in all actions for the recovery of personal property and in interpleader proceedings. The amending Act also authorizes service by registered mail of a writ of summons, statement of claim or garnishee summons, where the defendant resides in Saskatchewan (No. 17).

Surrogate Courts.—No. 18, which amends the Surrogate Courts Act, provides that any next of kin "residing within or without Saskatchewan," may appoint an individual or a trust company as his attorney to apply for and receive a grant of administration. This right has hitherto been confined to persons resident outside the jurisdiction.[1]

[1] In re *The Goods of H. Buller*, 22 L.T. (N.S.), 140.

Protection of Public Officers.—The Public Officers' Protection Act (No. 19), a new measure, limits the time within which actions may be brought against public officers for any act done in pursuance or execution or intended execution of any statute or of any public duty or authority. Such actions must be commenced within twelve months next after the act, neglect or default complained of, or, in the case of continuance of injury or damage, within twelve months after the ceasing thereof; but power is given to the Court or a judge to grant an extension of time in any case, A sheriff acting under a writ of execution or other legal process is protected by the Act, but it does not apply to an action against a registrar of land titles under the Land Titles Act.

Creditors' Relief.—No. 21 is a revision and consolidation of the Creditors' Relief Act. New provisions have been inserted under which a creditor may, instead of going to the expense of obtaining a writ of execution when a writ against the debtor is already in the sheriff's hands, prove his claim before a judge of the District Court, and obtain a certificate of proof of claim. When this certificate is filed with the sheriff the claimant is deemed to be an execution creditor within the meaning of the Act. A claim may be contested by the debtor or by any creditor of the debtor, and the matter in dispute disposed of by the judge in a summary manner.

Small Debts.—An Act to amend the Small Debts Recovery Act (No. 22) authorizes an alternative form of service of summons where the defendant resides within Saskatchewan, namely, service by registered mail, and sets forth a form of affidavit to be used in this event.

Land Titles.—An amendment to the Land Titles Act sets forth the procedure by which a person claiming to be entitled, under the Bankruptcy Act (Dominion), to have vested in him any land, mortgage or incumbrance, or any interest therein, may obtain transmission. Another new provision requires that notice of the registration of a claim for a mechanic's lien must be given to the registered owner by the registrar (No. 24).

Devolution of Estates.—If an intestate dies leaving no widow or issue, his whole estate, real and personal, now goes to his father and mother in equal shares, if both are living, and if either is dead the estate goes to the survivor (No. 25). Formerly, if an intestate died leaving no widow or issue, the whole estate went to the father, whom failing to the mother.

Maintenance of Parents.—This is new legislation, and is intituled An Act to provide for the Maintenance of Parents by their Children. The Act makes a son or daughter liable for the support of his or her dependent parents to the extent of $20 per week.

A parent is deemed to be dependent if, by reason of age, disease or infirmity, he or she is unable to maintain himself or herself. A mother is deemed to be dependent if she is a widow, or the wife of a man who is an inmate of a gaol or penitentiary, and has been committed thereto for a period of not less than six months or of an institution in Canada for incurables or for the feeble-minded or insane, or of a man who is permanently incapacitated by incurable disease or insanity from contributing sufficiently to her support, or that of her family, and if she is unable to maintain herself without assistance.

Proceedings are commenced by way of summons before a police

magistrate or two justices of the peace, who are empowered to issue an order for payment of a weekly sum of money not exceeding $20. Any order so made may be varied from time to time, if warranted by a change in the circumstances of any party affected (No. 53).

Tuberculosis.—No. 59 continues the Trustees of the Saskatchewan Anti-tuberculosis League as a body corporate and politic under the name of the Saskatchewan Anti-tuberculosis League.

The objects of the League are the care, conduct and management of sanatoria and hospitals for the treatment of tuberculosis, the establishment of clinics for examination and diagnosis, and the adoption of such measures, and the promotion of such works and undertakings as may be deemed requisite for preventing the development and spread of tuberculosis in Saskatchewan.

The Act provides for the transfer to His Majesty in the right of Saskatchewan of the sanatoria and hospitals, and all the real property and all personal property owned by the League and sets forth the consideration therefor; and the Lieutenant-Governor in Council is empowered to commit to the League the care, control, conduct and management of all tuberculosis sanatoria and hospitals owned by the Province.

The management of the affairs of the League is entrusted to a board of directors, not exceeding fifteen in number, twelve of whom are elected by the League, and the remainder by the Lieutenant-Governor in Council.

Provision is made for payment to the League of an annual grant at the rate of one dollar per day for each day's actual treatment and stay of every patient in the sanatoria or hospitals under its charge.

Industrial School for Boys.—An Act for establishing an Industrial School for Boys (No. 62), which is also a new measure, authorizes the establishment of an industrial school for the custody and detention, with a view to their education, industrial training and moral reclamation, of such boys as are lawfully committed thereto.

The Act provides for the appointment of officials and sets forth the procedure in case of commitment, confinement, discharge, escape and recommittal. The officials are made responsible for the preservation of order, and the Lieutenant-Governor in Council is given power to make rules and regulations for the management, interior economy and discipline of the institution, and for fixing and prescribing the duties and conduct of the officers and employees and for the clothing, maintenance, education, employment, industrial instruction, classification, discipline, correction, punishment, reward and general care of all boys from time to time sent to the institution.

Masters and Servants.—An Act to amend the Masters and Servants Act (No. 63), provides that a servant shall be guilty of a violation of his contract if he abandons his employment by leaving his employer's service before the expiry of the term of hiring without the consent of his employer, and without lawful excuse. Another amendment gives power to the justice of the peace before whom proceedings are taken to inquire into the damages which the master has sustained or may sustain by reason of a violation of contract by the servant, and to award as compensation for such damages a sum not exceeding $100. Any compensation so awarded may be set off against any sum directed to be paid by the master for wages.

II. NEWFOUNDLAND.

[*Contributed by* P. J. SUMMERS, ESQ., K.C., *Deputy Minister of Justice.*]

Newfoundland Products.—C. 1 further amends the Act 6, George V (1915), c. 4, entitled, "An Act for the Confirmation of a Contract with the Newfoundland Products Corporation, Limited." On April 16, 1915, the Legislature confirmed an agreement between the Government and the Newfoundland Products Corporation, Ltd. (the name of which has since been changed to Newfoundland Power and Paper Company, Limited) under which the Products Corporation proposed to establish at Bay of Islands an industry for the manufacture of fertilizer (ammonium phosphate) ammonia, cement, wood pulp and lumber. The present Act modifies the conditions of that Agreement very largely.

To prevent doubts, it is enacted that the Company's power under its Memorandum of Association is declared to include the generation or supply of hydraulic, electric or other power, electric light and heat, and the manufacture of pulp and paper, and the Company may also engage in all kinds of electrical industries. Raw materials required for the above-named industries are to be admitted free of duty, and remission of taxes granted until June 30, 1953. Other amendments of the 1915 Agreement provide for admission free of taxes and duty for fifty years of all materials not procurable in Newfoundland required for the manufacture of the products of the Company. The Act declares that "time" as respecting the 1915 Agreement shall run from the date of the passing of the Act, viz. July 13, 1923. The Company has no exclusive right to game found on its lands and cannot interfere with the migration of caribou or moose. The Company may make regulations safeguarding its property from fires, which regulations shall have the force of law when approved by the Governor in Council. The rights of the public respecting fishing, shooting, trapping and navigation are reserved subject to such regulations. The Company shall, if required by the Government, sell its surplus electric power for the operation of the Newfoundland Railway at an agreed price, or a price to be fixed by arbitration. Clause 3 of the Agreement in Part II of the Schedule is struck out, and another substituted, whereby the Company agrees, after meeting interest and sinking-fund charges, and making provision for Debenture Reserve Fund, to pay a royalty of $1 per ton on newsprint manufactured and exported annually, and 25 cents for each annual horse-power developed.

The Agreement and Act of 1915 are amended by the terms and conditions of the Agreements, forming Parts I and II of the Schedule to the Act.

S. 15 of the Act contains the guarantee of principal and interest at 5½ per cent. on the Newfoundland loan of £2,000,000. A form of guarantee respecting certificates of the Newfoundland loan is also provided.

The Schedule of the Act contains two Agreements divided into Part I and Part II. The first is an Agreement of June 9, 1923, between Newfoundland Power and Paper Company, Ltd., of the first part, Sir W. G. Armstrong Whitworth and Company, Ltd., of the second part, and the Government of Newfoundland of the third part. This Agreement, amongst other things, recites that it is the purpose of the Company to carry on certain works specified in a Construction Contract; and to raise two loans—one of £2,000,000 guaranteed by the English Treasury,

the other of an equal amount by the Newfoundland Government. As security for the English loan the Company may issue First Mortgage Debentures, called " A " Debentures, secured by a Trust Deed containing a specific First Mortgage on the lands, rights, concessions, and fixed assets of the Company, and the First Floating Mortgage on all other assets. As security for the Newfoundland Loan the Company will issue a series of Mortgage Debentures, called " B " Debentures, secured by a Trust Deed, containing a Specific Mortgage and a Floating Charge on the same properties, ranking immediately behind the First Specific Mortgage and First Floating Charge. The " A " Debenture shall be redeemable at par twenty-five years from the date of public issue, and provision shall be made for such redemption by means of a sinking fund, and the Company may on January 1, 1934, or on any interest date thereafter, redeem the whole or any part at par by giving three months' notice to the holders. The " B " Debentures shall be redeemable at par twenty years from the date of public issue of the " A " Debentures, and provision for such redemption shall be made by means of a sinking fund. The Company may on January 1, 1928, or on any interest date thereafter, redeem the whole or any part at par by giving three months' notice in writing. Under s. 8 the Government of Newfoundland guarantees the due payment by the Company of the principal and interest of the " B " Debentures.

The Company, in consideration of the premises, covenants with the Government of Newfoundland as follows:

(*a*) To carry into effect the Construction Contract as soon as the guarantees have been given.

(*b*) To observe all the terms of the " A " and " B " Debentures and all the Trust Deeds securing the same.

(*c*) To carry out the contemplated works with the utmost expedition.

(*d*) To employ Newfoundlanders as far as is reasonably possible in connexion with the said works.

(*e*) The proceeds of the " B " Debentures are to be paid into a separate banking account at the Company's Bankers, withdrawals only to be made with the written approval of the Newfoundland Government for various purposes specified in this subsection.

(*f*) To permit the Newfoundland Government to nominate one of the fourteen Directors of the Company (the Treasury having the right to nominate one Director) so long as the Government remains under any obligation in respect of the guarantee.

(*g*) Not to make any public issue of securities guaranteed by the Government without its consent.

(*h*) Not to issue any new charge while the Government is liable under its guarantee.

(*i*) To give all necessary information to the Government respecting its affairs.

(*j*) To transfer one hundred and thirty-five thousand shares to the Government under certain conditions respecting waiving of dividends, surrender, etc.

(*k*) Until a Special Debenture Reserve Fund of $1,500,000 is created out of profits (in addition to Sinking Funds for " A " and " B " Debentures) no dividend shall be paid, except on Preference Shares, and after the issue of such shares until the said Fund is made up to $2,000,000.

(*l*) If the Special Debenture Reserve Fund falls below $1,500,000

no dividend shall be paid until it is restored, and the same respecting Preference Shares if the Fund falls below $2,000,000.

(*m*) To declare no dividend on the share capital, except Preference Shares, while any money remains due on guarantee, unless the British Treasury Director recommends it.

(*n*) To issue no fresh shares during the currency of the guarantee without the consent of the Treasury Director, except for cash at or above par.

(*o*) To alter its Articles of Association in conformity with this Agreement.

The Armstrongs covenant with the Government to advance $500,000 if the Company requires further money for working capital; and, if the works shall not be in operation two years after the issue of the "A" Debentures, to meet the interest and sinking fund in respect of "A" and "B" Debentures until the works are in commercial operation, and to proceed with the Construction Contract when the guarantees are validly given.

Part II contains the Agreement between the Government and the Company. It deals with the lands, timber rights and water powers of the Reid Newfoundland Company conveyed to the Company, and confirms the conveyance. In Clause 3 as amended by the Act the Company agrees to put a royalty of $1 per ton on exported newsprint and 25 cents per horse-power annually, after making provision for interest and sinking fund charges, and the Special Debenture Reserve Fund. The Company may alter the course of the Newfoundland Railway if such becomes necessary. The Government agrees to provide or to permit the Company to provide for itself all necessary railway facilities. The completion of the works will be a fulfilment of the conditions contained in the Company's various Crown Timber Licences. The Government agrees to appoint a chief fire-warden to be nominated and paid by the Company. An arbitration clause respecting disputes is provided. The Agreement contains a Schedule enumerating the lands and water powers granted by the Crown to the Reid Newfoundland Company.

Transport.—C. 2 is an Act for the Settlement of Certain Disputes relating to the Newfoundland Railway and other matters, and confirms an Agreement made on June 9, 1923, between the Government and the Reid Newfoundland Company. For the purpose of carrying out the provisions of the Agreement the Governor in Council is given power to raise a sum of $2,000,000 by the issue of twenty years debentures at 5 per cent.

Under the Agreement the Company and its subsidiary Companies retire from transportation operations, express and dockyard business, and the Company conveys to the Government its eight steamers, the assets and goodwill of its express business, and the dry dock; also all railway, steamship, express and telegraph supplies, and all buildings, rolling stock, equipment, etc., provided under the Railway Contracts. Each party is relieved of all claims against the other, the consideration for a final and complete settlement being $2,000,000 to be paid to the Company.

The Company agrees to procure light and power for not less than ten years, and not more than thirty years for the railway terminus and dock from the St. John's Light and Power Company, Ltd., at a discount of 25 per cent. off its regular rates. In consideration therefor the Govern-

ment grants the Power Company additional water powers, and agrees (1) to introduce legislation to enable the Company to mortgage its franchises; (2) to permit the Power Company to carry its transmission lines to Trepassey along the right of way; and (3) to provide the Power Company with a free site for a new sub-station in St. John's West.

Timber.—C. 3 confirms the Agreement made between Harry J. Crowe and the Government on August 9, 1923, and in addition to the terms of the Agreement it requires him to cut 25,000 cords of wood on his timber areas each year, and to erect a pulp or paper mill in the Colony within ten years of a capacity of one hundred tons of pulp per day.

The Agreement confers upon the operator the right to export rossed pulp-wood for a period of twenty-five years—for the first year free, for the two following years at 25 cents per cord, and for the remainder of the term at 50 cents per cord. The operator undertakes to establish one or more rossing plants, and one or more saw-mills, the latter with a capacity of 25,000 feet board measure per day, on or before October 31, 1924. Free entry for plant, machinery and materials for the saw-mill and rossing plant is granted.

C. 4 confirms the Agreement made on August 9, 1923, between the Government and Malcolm Joseph Mooney. S. 1 of the Agreement grants to the lessee timber rights over a tract of land at Orange Bay for ninety-nine years at an annual rental of $2 per square mile. S. 2 grants to the lessee all the water-power or powers of the rivers flowing into Orange Bay at a rental of 25 cents per horse-power developed. The Agreement contains the customary clause for free entry of construction materials and machinery, and another for free sites for the factories, plants, power-stations, etc., of the lessee. Expropriation of private lands subject to arbitration is provided.

The lessee is required to erect a pulp-mill of a capacity of one hundred tons per working day, and to operate such mill continuously, construction work thereon to commence before November 30, 1923, and to be completed within three years from the date of the Agreement.

The lessee is given the right to export such portions of trees as cannot be profitably converted into pulp, and the right for a period of twenty-five years to export free of duty manufactured pulp or paper, and to export rossed wood for a similar period—until January 1, 1925, free, the next two years at 25 cents per cord, and thereafter at 50 cents per cord. The lessee is granted exemption from municipal taxes. Certain rights of the public respecting fishing and hunting are reserved.

Electricity.—C. 5 is an Act respecting certain rights, privileges and franchises connected with the supply of electric light and power to St. John's for Street Railway and other purposes, and was passed to implement the Agreement between the Government and the Reid Newfoundland Company to enable the Reid Newfoundland Company to mortgage its franchises under the St. John's Street Railway Charter of 1896.

Tariffs.—C. 11 is an Act respecting a Preferential Tariff on Products of Jamaica, and declares that the duties on goods, the product of Jamaica, imported into Newfoundland shall be subject to a reduction of 25 per cent.

C. 12 is an Act respecting a Preferential Tariff on Products of Spain, and grants free entry to iron ore, corks and cork disks, grapes, walnuts, hazel-nuts, almonds (shelled and unshelled), onions, oranges, olive-oil,

preserved vegetables, bananas, and tomatoes, the products of Spain; and declares that, except in time of war, the present duties imposed on wine and wine lees, brandy, raisins, the products of Spain, shall not be increased.

12. BERMUDA.

[*Contributed by* SIR REGINALD GRAY, K.C., *Speaker of the House of Assembly.*]

Acts passed—45.

Animals Protection.—No. 5 consolidates and amends the Acts relating to cruelty to animals. The Government Veterinary Officer is required to assist the police in the enforcement of the Act. A person convicted summarily may be imprisoned for a period not exceeding six months, or fined an amount not exceeding £50, or may be imprisoned and fined, and a person convicted in the Supreme Court may be imprisoned for a period not exceeding a year, with or without whipping.

Companies.—No. 6 enacts forty-two sections which have been usually inserted in previous Acts incorporating specific companies, and makes them applicable to all companies hereafter incorporated under the authority of any Act, except to such extent as shall be provided in the incorporating Act.

Public Roads Protection.—No. 8 consolidates and amends eight Acts providing for the protection of the travelling public.

Judgments.—No. 9 provides for the enforcement in Bermuda of judgments obtained in other parts of the Empire.

Married Women.—No. 16 repeals a series of Acts under which certain requisites were rendered necessary to the validity of deeds executed by married women.

Public Officers.—No. 24 regulates the granting of vacation, half pay and sick leave to public officers, and repeals two prior Acts.

Statute Law.—No. 32 requires the Attorney-General to prepare a new compilation of the Acts of the Legislature, and makes provision for its publication. The last compilation was published in 1903.

Municipalities.—No. 23 consolidates and amends a long series of Acts from 1790 to 1922, dealing with the powers of the two Municipal Corporations.

Quarantine.—No. 34 consolidates and amends the previous Acts on this subject.

III. AUSTRALASIA.

1. COMMONWEALTH OF AUSTRALIA.

[*Contributed by* SIR ROBERT GARRAN, K.C.M.G.]

Public Acts passed—36.

Although much of the legislation passed in 1923 consisted of amending Acts, several important new measures were passed. Provision was made for the establishment and maintenance of the Australian Commonwealth Line of Steamers, and the Royal Australian Air Force. Statutory authority was given for the making of arrangements for the collec-

tion of Federal Income-tax by the States, and a Sinking Fund was established for the redemption of the Commonwealth National Debt. Several measures were passed, granting bounties for the encouragement of Australian industries, and appropriating moneys with a view to assisting in the development of country districts.

Air Force.—Provision is made by the Air Force Act (No. 33) for the establishment and maintenance of the Royal Australian Air Force. The provisions of the Defence Act 1903–18, as modified by regulations, will apply to members of this Force, whether serving within or outside the limits of the Commonwealth, but the British Army Act will not apply to them.

Bounties.—The Meat Export Bounties Act (No. 4) provides for the payment of a bounty on beef and cattle exported from the Commonwealth. The Act applies for a limited period only, and, except in certain specified cases, the bounty is payable only to the pastoralist who sells the cattle. Under the Sulphur Bounty Act (No. 21) a bounty is payable on the production of sulphur, and the Shale Oil Bounty Act (No. 23) extends for three years the operation of the Act of 1917 relating to the payment of a bounty on the production of shale oil.

Corporations.—By virtue of the War Precautions Repeal Act (No. 34), the provisions of the regulations passed during the war in relation to trading and financial corporations will be continued until the end of 1924.

Customs.—The Customs Act (No. 12) is an amending Act. It provides (*inter alia*) for the application of the principal Act to aircraft. Another important amendment relates to the granting of a Certificate of Clearance. Application for this certificate must be made in the first instance to the Collector of Customs, and, if the certificate is not received within twenty-four hours, the master or pilot may apply to the Minister, whose decision is to be final. The matter may, however, be brought by the master or pilot before a Court of competent jurisdiction, and, if the Court is satisfied that the non-granting of, or delay in granting, the certificate was without reasonable and probable cause, damages may be recovered against the Commonwealth by the party injured.

Grants and Advances.—The Main Roads Development Act (No. 2) appropriates the sum of £500,000 for the purpose of grants to the States for the construction of main roads. The Tasmania Grant Act (No. 13) appropriates £85,000 for the purpose of financial assistance to the State of Tasmania. The Advances to Settlers Act (No. 19) appropriates an amount not exceeding £250,000 for the purpose of advances to the States and to the Northern Territory for purchasing wire netting to be supplied to settlers. The Wheat Pool Advances Act (No. 32) authorizes the Treasurer to guarantee advances by banking institutions, up to 3*s.* 8*d.* per bushel, to finance a scheme for marketing the 1923–4 wheat crop.

National Debt. — The National Debt Sinking Fund Act (No. 5) provides for the establishment of a National Debt Sinking Fund, to be controlled by a Commission of five persons, presided over by the Treasurer. The Act requires the Treasurer, in each financial year for a period of fifty years, to pay into the fund the sum of £1,250,000. In addition, he must pay into the fund an amount equivalent to one-half per centum of the net debt created during each year, all repayments of cer-

tain specified advances made by the Commonwealth, and certain moneys received in respect of purchase money and repayment of advances under the War Service Homes Act. The fund so created will be applied by the Commission towards repurchasing or redeeming Commonwealth securities or redeeming any other portion of the National Debt, except the debt to the United Kingdom, which is dealt with by the Funding Arrangements Act, 1921. The Commission may, if it thinks fit, invest any moneys standing to the credit of the fund in certain specified investments; and, subject to the Act, may determine when and how the sinking fund moneys shall be invested or used for the redemption of the National Debt.

Pensions.—By the Invalid and Old-age Pensions Act (No. 15) the maximum amount of pension payable under the principal Act is increased from 15*s.* to 17*s.* 6*d.* per week.

Posts and Telegraphs.—The Post and Telegraph Rates Act (No. 16) alters the rates of postage on newspapers and other postal articles, the postage on letters posted within the Commonwealth for delivery therein being reduced from 2*d.* per ½ oz. to 1½*d.* per oz. The Post and Telegraph Act (No. 17) amends the principal Act in regard to various matters, such as the disposal of undelivered postal articles, the disposal of dead letters, and the procedure to be followed in connexion with the opening of letters and packets in pursuance of the Act.

River Murray Waters. — The River Murray Waters Act (No. 20) ratifies an agreement for the variation of the original agreement entered into between the Commonwealth and the States of New South Wales, Victoria and South Australia. By the amending agreement, the Commonwealth Government agrees to the increase of the proportion of the cost of the works to be borne by the Commonwealth to one quarter of the total cost. The agreement also provides that works required for irrigation shall take precedence over works primarily for the requirements of navigation.

Shipping.—The Commonwealth Shipping Act (No. 3) formally establishes the Australian Commonwealth Line of Steamers, and provides for its management by a Board consisting of from three to five members, to be known as the Australian Commonwealth Shipping Board. The Board is constituted a body corporate, with power to hold property, and capable of suing and being sued in its corporate name. It is authorized to carry on the general business of a shipowner and any business incidental thereto; to acquire and hold ships, land, offices, shipyards, wharfs, etc., and, subject to the consent of the Treasurer, to dispose of such property; to act as agent for other shipowners; and to appoint its own agents in such places as it thinks fit. Fifty vessels specified in the schedule are transferred to the Board at the valuation therein specified; the Cockatoo Island Dockyard is also transferred; and the Board is authorized to carry on the business of manufacturer, engineer, ship-builder and repairer, and any business incidental thereto. The Treasurer is empowered to make advances for the purposes of providing the Board with working capital, and, within certain limits, to guarantee to any bank the settlement of any overdraft required by the Board. In respect of the property transferred to it, and any advances made by the Treasurer, the Board is required to issue debentures to the Commonwealth which will, except in certain specified circumstances, be interminable, and will bear interest at the rate of 5 per centum per

annum. The profits of the Line will be placed in a Reserve Fund until the amount of the fund reaches a sum equivalent to 25 per centum of the debentures issued. When that amount has been reached not more than 50 per centum of the profits will be paid into the Reserve Fund. The balance will be paid into a special Trust Account, and it may then be paid towards the redemption of debentures or into the Consolidated Revenue Fund, as the Treasurer determines. The Board will be subject to the same rates and taxes as similar businesses carried on by private enterprise, and will be required to issue an annual balance-sheet. Its accounts will be subject to audit by the Commonwealth Auditor-General.

Taxation.—The Income-tax Assessment Act (No. 27) makes a number of amendments to the principal Act, particularly in regard to the taxation of companies. The Act exempts from taxation income derived from primary production in the Northern Territory up to the end of June, 1927. Another amendment relates to the method of computing the value of stock and the assessment in regard to the natural increase of live stock.

The Income-tax Collection Act (No. 28) authorizes the making of arrangements with any State for the collection by the officers of the State of income-tax payable in the State under Commonwealth law. The Act also provides for the payment of compensation to officers of the Commonwealth Public Service who may be retired in consequence of the economy rendered possible by any such arrangement.

The Land Tax Assessment Act (No. 29) amends the principal Act by exempting from taxation certain pastoral, mining and timber leases.

The Taxation of Loans Act (No. 30) provides that interest on loans raised by the Commonwealth or by any State, after December 31, 1923, will be subject to Commonwealth income-tax. The Act also provides that, after a date to be fixed by proclamation, interest on Commonwealth loans will be subject to State income-tax, provided that the rate does not exceed that applicable to interest on any loan raised by the State. In the case of interest on loans raised in Australia by countries or dominions outside the Commonwealth, the interest will be subject to Commonwealth income-tax if received directly or indirectly by a person resident in Australia, or by a person who is a tax-payer within the meaning of the Income-tax Assessment Act 1922–3.

Territories.—The Northern Territory Railway Extension Act (No. 11) authorizes the extension of the Darwin-Emungalan railway to Daly Waters—a distance of 160 miles. The length of the Darwin-Daly Waters line, when completed, will be 360 miles.

The Removal of Prisoners (Territories) Act (No. 14) makes provision for the removal of prisoners and criminal lunatics from one Commonwealth territory to another or to a State. The order for removal will be made by the Governor-General, but only with the concurrence of the Government of the State or Territory to which it is proposed that the prisoner shall be removed.

2. NEW SOUTH WALES.

(It is hoped to publish the Summary of Legislation in the next *Review*.)

3. QUEENSLAND.

[*Contributed by the* Hon. Sir Littleton E. Groom, K.C.M.G., K.C., M.P., *and* J. F. Gamble, Esq., B.A., LL.B.]

Acts passed—45.

During the year 1923 many interesting measures were placed on the statute book. Several of these dealt with the primary industries of the State, attempts being made to assist those industries by providing better organization and facilities for marketing.

Banks.—The Agricultural Bank Act (No. 41) makes provision for advances by the State to co-operative companies and associations and to farmers and others. To carry out these purposes, the Act constitutes the Secretary for Agriculture and Stock a corporation sole, by the name of the "Corporation of the Agricultural Bank," with power to sue and be sued, and to purchase, sell, lease, exchange and hold lands, goods, etc. The capital of the Bank consists of moneys appropriated by Parliament, and paid into the Agricultural Bank Fund. The assets and liabilities of the State Advances Corporation are transferred to the Bank, and, after the commencement of the Act, no further advances will be made under the State Advances Act (except in respect of workers' dwellings) or the Co-operative Agricultural Production Act. The Bank is authorized to advance moneys to Co-operative Companies, for the purpose of works for the conservation or treatment of primary products, provided that two-thirds at least of the shares of such companies are held by primary producers. Advances may also be made to such companies for certain other purposes, such as the purchase of machinery, engines, and other appliances to assist and encourage primary production. The bank may also advance moneys to farmers for certain specified purposes, such as the discharge of liabilities existing on land purchased, effecting improvements on the land, or the purchase of stock, machinery or implements. The total amount advanced to any one person must not exceed £1,700. Advances not exceeding £500 may be made for specified improvements, such as buildings, ring-barking, clearing, etc., and smaller sums may be advanced for the purchase of cattle, sheep, pigs or dairying plant.

The Private Savings Bank Act (No. 43) deals with the matter of the regulation of Savings Bank business carried on by private persons. The Act provides that no person shall carry on savings bank business in Queensland unless he has obtained the approval of the Governor in Council to do so. The regulations may fix the rate of interest to be paid on savings, but in no case must it be less than the rate paid by the savings bank branch of the Commonwealth Bank of Australia.

Every person who commences or carries on savings bank business in Queensland must deposit with the Minister the sum of £10,000 or Government securities to the value of £10,000, and he is entitled to receive the income from investments of moneys deposited or from securities deposited. He must also invest with the Minister at the end of each quarter a sum equal to 70 per cent. of the excess of deposits over withdrawals during the previous quarter. On these investments the banker receives interest at the rate of 1 per cent. above the rate paid by him on deposits. If, at the end of any quarter, withdrawals

exceed deposits, the banker may obtain a refund from moneys invested of a sum equal to 70 per cent. of the excess. Every banker must have an office in Queensland, and a Chief Representative in charge of it. When a banker ceases to carry on business he may have his deposits or securities retransferred to him on satisfying the Minister that he is able to discharge all liabilities arising under his savings bank business.

Cotton.—The Cotton Industry Act (No. 28) makes provision for the marketing of cotton and the prevention of diseases, pests, etc. The Act authorizes the Governor in Council to guarantee certain prices for seed-cotton, having regard to quality, marketing conditions, localities, etc. Having done this, the Governor in Council may, by Order, acquire the whole or any part of the cotton grown in the State, the property of the owners being converted into a right to receive payment at the rates fixed under the Act. The Minister may make advances to growers on account of the purchase price of cotton acquired under the Act, and may then proceed to have the cotton ginned, graded, treated, prepared, or manufactured as may be necessary, and sold or disposed of at such prices, at such times, and on such terms as may be thought fit. Any amount realized over and above the amount advanced, and the expenses of ginning, marketing, etc., is paid to the grower. The Act also contains a number of provisions for preventing the introduction and spread of diseases and pests in cotton-fields. The introduction of any fungus, insect, plant or vegetable harmful to the cotton-plant is forbidden, and any grower who observes any disease or affection in growing cotton must give notice thereof. Inspectors may be appointed who, on being satisfied that any area is infected or is suspected to be affected, may place it in quarantine, and such quarantine may be continued until the area is released from quarantine by order of the Minister. The removal of plants from any infected area is prohibited, and the Minister may order the destruction of cotton-plants or cotton-seed, or such other treatment as he thinks fit. Grocers must not sow cotton-seed unless it has been obtained from the Government or from persons expressly authorized by the Minister, but growers may, with the permission of the Minister or an Inspector, sow seed obtained from selected cotton-plants on their own plantations. All cotton-plants and debris of cotton-plants, whether on land or at a ginnery, must be destroyed within six weeks after July 31 in every year, and an inspector may enter upon any land upon which mature cotton-plants are growing after September 30 in any year, and cause them to be destroyed. Owners may be ordered to eradicate disease or destroy pests, and, on failure to comply with such orders, may be summoned before any Court of Petty Sessions to show cause why the order should not be enforced, and the Court may authorize any Inspector, with or without assistance, to enter upon the land and take such measures for the eradication of the disease or the destruction of the pest as may be necessary. No compensation can be claimed for damage resulting from such measures except in certain specified cases. All persons who plant seed-cotton must notify the Under-Secretary to the Department of Agriculture and Stock of the date of sowing, the area sown, and the variety of seed planted. The costs, charges and expenses incurred by any Inspector in taking measures for the execution of the Act may be recovered from the owner of the land concerned.

Electricity.—The Electric Workers Act (No. 22) establishes an

Electrical Workers Board consisting of eight members, and provides that no person (other than a probationer or apprentice) may be employed as an electrical worker unless he holds a certificate under the Act. The Board may grant Certificates of Competency to persons who satisfy the Board that they possess the necessary practical and theoretical knowledge and skill, and may grant Certificates of Service to persons who satisfy the Board that they have complied with the prescribed conditions in regard to service. The scope of the Act is limited to workers in connexion with the generation, transmission and supply of electrical energy.

Fruit Marketing.—The Fruit Marketing Organization Act (No. 39) creates a Board to which is entrusted the marketing of all fruit. No fruit grower may sell fruit except as directed by this body.

Gaming.—The Racecourses Act (No. 23) imposes two forms of taxation on bookmakers. In the first place, there is an annual tax varying from £5 to £50 according to the portion of the course for which the bookmaker holds a permit to bet. In addition to this there is a tax on all betting tickets. The Act also amends the Totalizator Tax Act, 1892, by providing that, where a racing club is authorized to use a totalizator, the club shall be entitled to a percentage of the takings.

Hospitals.—The Hospitals Act (No. 44) provides a scheme for the maintenance and management of hospitals. The Act constitutes the Brisbane and South Coast Hospitals District and authorizes the Governor in Council from time to time to constitute other districts, and to reconstitute and, if necessary, abolish the Brisbane and South Coast District. In each Hospital District a Board will be established, which will be charged with the maintenance, management and regulation of every hospital in the District. This Board will consist of three members appointed by the Governor in Council, three members elected by the Local Authorities (*i.e.* the Local Councils) and three members elected by persons who have contributed a certain specified sum to a hospital in the district. Elections for members of the Board will be held every three years. No person interested in any contract with the Board or with any hospital in the district can be a member of the Board. Every Hospital Board will be constituted a corporation capable of suing and being sued, and of holding land, etc., and will have power to establish new hospitals or amalgamate any two or more hospitals. At the beginning of each financial year the Board must estimate the total amount of expenditure required for the following year and the total amount of probable income. If these estimates are approved by the Governor in Council the Treasurer will, out of moneys to be appropriated, pay to the Board an amount equal to 60 per cent. of the estimated expenditure after deducting the estimated income. The remaining 40 per cent. will be supplied by the Local Authorities, and for this purpose each Local Authority is authorized to levy a hospital rate. Subject to the approval of the Governor in Council, the Board may make by-laws in regard to the admission of patients into hospitals, the charges to be made, the maintenance of order and a number of other matters, and such by-laws may provide a penalty, not exceeding £20, for any breach thereof.

Insurance.—The Insurance Act (No. 29) makes a number of amendments to the Life Assurance Companies Act of 1901 and the Insurance Act of 1916. After the commencement of the Act, no company will be permitted to carry on life assurance business unless it is a company

in which the net profits from time to time earned by the company are exclusively divisible amongst the policy-holders of the company. This amendment does not, however, affect companies carrying on business at the date of the passing of the Act. Another amendment gives the Treasurer power to cancel the licence of a life assurance company for certain reasons, *e.g.* if he is satisfied that the company is unable to pay its debts. There is, however, an appeal from the Treasurer's decision to a judge of the Supreme Court. In regard to companies carrying on marine and general insurance, the Act provides for an increase of the amount to be deposited with the Treasurer, and that amounts deposited shall carry interest.

Juries.—The Jury Act Amendment Act makes an important amendment to the law on this subject by providing that females who give notice of their desire to serve on juries shall be qualified and liable to serve. Such persons, however, may be excused from serving in any particular case either on the ground of medical unfitness or on account of the nature of the evidence or the issues to be tried.

The Act also provides that in certain civil proceedings the Court may accept the verdict of five-sixths of the jurors after they have deliberated for six hours.

Labour.—The Industrial Arbitration Act Amendment Act (No. 10) makes a number of amendments to the principal Act, one of which provides for the registration of any person or association employing not less than fifty employees as an industrial union of employers.

The Workers' Compensation Act Amendment Act (No. 5) extends the principal Act in regard to contractors for certain kinds of work who actually perform part of the work themselves.

Land, Crown.—The Land Acts (Cattle Holdings Rents) Amendment Act (No. 33) makes provision for the review of the rents due to the Crown by the lessees of certain holdings, mainly used for the depasturing of cattle in respect of the period from July, 1, 1921 to June 30, 1926.

The Prickly-pear Land Act (No. 34) deals with the prickly-pear pest. It authorizes the appointment of a Commission consisting of three members, to be called the Prickly-pear Land Commission. The first duty of the Commission is to have a survey made of all land infested with prickly-pear and land likely to become infested. In the recommendation of the Commission, the Governor in Council may declare areas infested with prickly-pear to be prickly-pear areas and adjacent lands to be buffer areas, and may divide such areas into districts and assign a warden or ranger to any district. The Commission has both judicial and administrative functions. On the administrative side, it has control of all expenditure under the Act, the appointment of inspectors and workmen, the control, so far as necessary, of roads and reserves within every prickly-pear area or buffer area, and of all lands infested with prickly-pear or likely to become infested, the manufacture, purchase, or other provision of poisons, specifics, destroyers and appliances for the destruction of prickly-pear, and generally the power and responsibility of carrying the provisions of the Act into effect. The judicial functions of the Commission include the determination of rent due to the Crown on holdings infested with prickly-pear, the fixing of rent and capital value of prickly-pear land which it is proposed to throw open, the determination of conditions relating to prickly-pear to be inserted in leases or licences issued, the hearing of appeals from the warden in regard

to the forfeiture of leases for breaches of conditions, and generally the judicial functions of the Land Court under the Land Act of 1910. The warden may be required by the Commission to hold an open Court, to be called the Warden's Court, at which all applications to lease prickly-pear land will be considered and accepted, granted or refused. On the recommendation of the Commission, with the approval of the Governor in Council, the Minister may throw open land for prickly-pear lease, and may withdraw land thrown open. Holders of leases in existence at the commencement of the Act may, within six months, give notice that they desire their leases considered by the Commission, and the Commission will then determine the conditions which should be made applicable to the holding; what reduction (if any) in rent or purchasing price, or capital value should be made; what extension of the lease should be recommended; and any readjustment of the periods of the term. Provision is also made for the selection of new holdings. A special fund called the Prickly-pear Land Commission Fund is established, and all expenditure in connexion with the Act will be paid out of this fund, and all income paid into it. The Commission is required to furnish to the Minister an annual report of its operations under the Act.

The Sugar Workers Perpetual Leases Selections Act (No. 20) authorizes the Minister to throw open Crown land for group selection by sugar workers, *i.e.* by men employed in sugar works or in field work in connexion with sugar. The selections will contain not more than thirty acres, and may be transferred from one sugar worker to another.

The Closer Settlement Amendment Act (No. 18) amends the principal Act by providing (*inter alia*) for group settlement.

The Upper Burnett and Callide Land Settlement Act (No. 14) makes provision for the settlement and development of lands in Upper Burnett and Callide. The Act provides for group settlement and for Government assistance to selectors in the form of loans and the provision of water facilities.

Loans, Government. — The Government Loans Redemption and Conversion Act (No. 37) authorizes the redemption and conversion of Government loans, and the issue and creation of Government Stock or Inscribed Stock for those purposes.

Local Authorities. — The Local Authorities Acts Amendment Act (No. 25) makes a number of amendments to the principal Act. It provides (*inter alia*) for the classification of roads, and fixes a minimum standard width for each class of road. Provision is made for the preparation of road-maps and registers and local authorities are authorized, in certain cases, to increase the width of roads and to realine roads. The Act also contains provisions relating to the opening of new roads in connexion with subdivisions. Local authorities are authorized to establish and maintain public aviation stations for the starting, landing, housing and repair of aerial craft. The Act confers powers on the Governor in Council in regard to prohibiting the erection of buildings for certain purposes (*e.g.* manufacture or places of amusement) in certain areas; in regard to the regulation of the class of building to be erected; and in regard to the limitation of the height of buildings and the regulation of the size of allotments.

The Local Bodies Loans Act (No. 8) authorizes the Treasurer on behalf of the Government to guarantee the repayment of moneys borrowed by local bodies from banks or other financial institutions.

Marriage and Divorce.—The Matrimonial Causes Act Amendment Act (No. 38) amends the principal Act by adding lunacy for a period of five years as a ground for divorce.

Meat Industry.—The Meat Industry Encouragement Act (No. 32) creates a Board composed of six members—a nominee of the Commonwealth Government, a nominee of the Queensland Government, two representatives of the sheep industry, and two representatives of the cattle industry. These representatives are to be elected by the interests they represent, and the franchise varies according to the value of the stock owned by the respective electors.

The Board's duties are to give advice to the Secretary for Stock and Agriculture, and to take such action as it thinks fit to increase the quality and production of beef and cattle, to develop industries in connexion with by-products, and to devise improved methods of carrying on the industry.

The operation of this Act is contingent upon the creation of an Australian Meat Council by the Commonwealth Government.

Mining.—The Petroleum Act (No. 26) declares all petroleum and helium to be Crown property, and gives the Crown power to search for, obtain, refine and dispose of these minerals when found. Provision is made for the grant of licences to prospect and leases to persons of British nationality, subject to the payment of a royalty of 25 per cent. of the gross value of all petroleum obtained. Failure to carry on developmental work entails forfeiture of the lease. Care has been taken to guard against the promotion of "wild cat" companies, by prohibiting the publication in any prospectus of statements which have not been verified upon oath or statutory declaration before the Minister and submitted to an approved geologist for confirmation.

Pest Destroyers.—The Pest Destroyers Act (No. 3) regulates the sale of insecticides, fungicides and vermin and weed destroyers. Every trader selling mixtures of this description must obtain a licence, and submit for analysis all preparations he proposes to sell.

Poultry.—The Diseases in Poultry Act (No. 2) declares that any person having poultry suffering from certain diseases shall notify an inspector appointed under the Act. Power is given to inspectors to examine poultry, and diseased poultry is to be destroyed without payment of compensation.

Primary Producers.—The Primary Producers Co-operative Associations Act (No. 45) relates to the formation of co-operative societies of producers, and makes provision for assisting such companies by providing for concerted action in regard to the production and sale of primary products.

Roads.—The Main Roads Act Amendment Act (No. 12) provides that certain roads may be declared "Developmental Roads" and shall thereupon be treated in a similar manner to "Main Roads."

Stock.—The Stallions Registration Act (No. 16) requires the registration of all stallions. Particulars of date of birth, pedigree, locality where pastured and where used for stud purposes are to be kept. All stallions are to be examined by a veterinary surgeon annually. No stallion may stand for stud purposes unless registered under this Act.

Trustees.—The Trust Accounts Act (No. 4) requires all trustees to pay trust moneys into separate trust accounts in approved banks, and provides for the audit of these trust accounts.

4. SOUTH AUSTRALIA.

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Fifty-eight Acts were passed by the South Australian Parliament during 1923, of which one was a private Act, and two, Stamp Duties and Municipal Corporations, were purely consolidating measures. Most of the others were either purely administrative in character or of merely local application and interest. There has, in fact, been a strong tendency in recent years for the legislation of the South Australian Parliament to deal more and more with non-controversial matters of an administrative or merely municipal character. This is partly because a number of the most important subjects of legislation were transferred on the establishment of Federation in 1900 to the exclusive control of the Federal Parliament. Another reason is that the South Australian Parliament has already dealt in a fairly radical manner with the important subjects still left within its control, *e.g.* electoral franchise, education, Crown lands, industrial arbitration and wages boards, emancipation of women and children. Thus there is not a great deal of important legislative work left for the South Australian Parliament to do. Moreover, the present dearness and scarcity of loan money and the tendency of the Government's expenditure each year to exceed its revenue have imposed an effective limitation upon State trading schemes, and indeed upon any but the most necessary public works. Only a few Acts were passed during the 1923 Session which involve any features of general interest or any principle that is novel or important. It is only the Acts dealt with in the following summary to which this description may properly be applied.

Aborigines (Training of Children).—The Australian aboriginal, the lowest type of human being in the world, is fast dying out in Australia. The remnants of the race still surviving in the settled districts in South Australia are segregated into two reserves, managed by Government officials. There are comparatively few pure-blooded aboriginals on these Government Aboriginal Stations, the community consisting largely of half-castes, quadroons and octoroons. The greatest problem is to provide for proper training of the children on these stations. It has been found that there is an increasing tendency on the part of aboriginal and half-caste girls to marry white men. The offspring of such marriages are in many cases very nearly white. The mothers, however, after marriage frequently become separated from their husbands and drift back to the Aboriginal Stations, bringing their children with them. These children are brought up among the aboriginals and in their fashion. There is a very strong tendency under these conditions for the children to grow up shiftless and irresponsible, like most of their adult associates. Attempts in the past have been made to place the children out as apprentices to tradesmen, but this scheme has not met with much success. As a result the children remain for the most part on the station, where they become unable to shift for themselves and have to be supported by the State. Moreover, the children in their turn become parents, and thus the problem tends to become cumulative in its difficulty. In the light of the experience of the Government officials in charge, the children on the stations must be taken in hand

while very young, if they are to grow up to be industrious and responsible men and women. On the other hand, the State is faced with the problem of dealing fairly by the aboriginal or half-caste mothers. The dictates of humanity forbid the State to deprive mothers of their infant children, in cases where the mothers desire to keep them, even though it were ultimately for the child's benefit.

Act No. 1565 has been designed with these difficulties in view. It embodies a scheme which, while making reasonable provision for the training of the children, can hardly be said to be harsh to their mothers. The general scheme of the Act is as follows:

The Chief Protector of Aboriginals, who, under the provisions of the Aborigines Act, 1911, as amended by this Act, is the legal guardian of all aboriginal and half-caste and other cross-breed children under eighteen years of age, is empowered, in cases where the State Children's Council gives its approval, to transfer any aboriginal child or half-caste child to the State Children's Council for training. The State Children's Council is a body constituted of philanthropic persons of both sexes which is charged by the State Children Act, 1895, with the control and maintenance of destitute, neglected, incorrigible and convicted children who have been committed to their care and have thereby become "State children." The power of transfer to the State Children's Council vested in the Chief Protector is discretionary. There is no obligation upon him to transfer any child if he thinks it would not be for the child's benefit, nor would he, in practice, transfer any child against the wishes of the State Children's Council. No child if legitimate may be transferred from the control of the Protector until he or she has reached fourteen years of age or obtained the qualifying certificate under the Education Act, 1915. Thus the aboriginal or half-caste parents will have their children with them throughout infancy and early youth; and it is expected that the parents will soon become accustomed to regard it as a natural thing that their children, somewhere about their fifteenth year, shall be transferred to the State Children's Department for further training. An illegitimate child may be transferred at any time after the first nine months of its life, but there is no obligation to transfer such a child, and the provision in the Act is designed only to be used in cases where an illegitimate child is ill-cared for. Inspectresses from the State Children's Department visit the Aboriginal Stations regularly and can ascertain what illegitimate infants may properly be removed. In many cases the mothers of illegitimate children are themselves quite young, and if the child is taken away the State Children's Council can take control of the mother and put her in the way of earning a living by domestic service or otherwise.

Once the children are under the control of the State Children's Council, all the provisions of the State Children Act apply to them. Any child may be kept by the Council under its control till he or she is eighteen years of age. In the case of a female child the Governor may, on the recommendation of the Council, extend the time of supervision until such child becomes twenty-one years of age. The children may be apprenticed to a trade, or otherwise put to work under the supervision of the Council. The child's parents may be called upon to contribute to its maintenance if they are in a position to do so. When the period of training under the State Children's Council has expired,

the Chief Protector again becomes the legal guardian of all aboriginal, half-caste and other cross-breed children who have been transferred.

Building.—Act No. 1600 is a consolidating and amending measure. It repeals the Building Act, 1881, and the Acts amending that Act (Nos. 266 of 1882 and 283 of 1883–4), and partially re-enacts those Acts, supplementing them with provisions adapted from the London Building Act, 1894. The fact was that the city of Adelaide had long outgrown the legislation now repealed, which, besides being defective in not making adequate provision for modern requirements in regard to sanitation, access of light and air and prevention of fire and the spread of fire, failed also to deal with steel frame and reinforced concrete construction, the use of which has for some years past been steadily increasing in Adelaide. The tendency in Adelaide of recent years has been towards the erection of higher and higher buildings, one reason being that the city is surrounded on all sides by broad belts of park lands. Thus it cannot expand laterally and must extend upwards.

Though the legislation now repealed has long been out of date, it has taken a long time for Parliament to enact a measure more in keeping with modern conditions and modern building methods. The process of passing the present Act occupied twelve years, and there were four different Bills introduced, the first one as long ago as 1911. These Bills were highly technical and there was naturally some disinclination on the part of Members of Parliament to deal with them in detail; especially as they were in no sense controversial. Finally, a Select Committee of the Lower House reported on the Bill, after taking evidence from architects, builders and other persons interested, and the Bill was then accepted by both Houses with certain amendments recommended by this Committee. It is worthy of note, however, that the Government, acting on the advice of their experts, refused to accept certain of the amendments recommended, and with regard to these amendments Parliament took the same view as the Government and refused to accept them.

Though desirable features of the old legislation have been retained in the present Act, supplemented by provisions adapted from the London Building Act, 1894, the Act so far as it deals with such matters as the site and height of buildings, building materials and methods of construction, light and ventilation in buildings, and fire-proofing, fire-escapes, etc., is substantially based on the Building Regulations at present in force in the city of Melbourne, Victoria. In general it may be said that these regulations are very technical, and only interesting in their details to architects or builders.

The new Act, like the Acts which it supersedes, is to be administered by the various local government bodies within their respective areas. The Act does not apply right through the State, for its provisions are appropriate only to cities and large towns with comparatively high buildings set close together. The new Act, therefore, only applies within the same Municipalities and District Council Districts in which the old Act applied, but there is power to apply it by proclamation in other Municipalities and District Council Districts upon a petition being presented from the council of a particular municipality or district asking that the Building Act should apply within it.

Drought Relief.—South Australia, in common with the other mainland Australian States, is subject to periodical visitations of severe

drought. These are more severely felt in South Australia than in the other States, for South Australia is almost entirely a pastoral and agricultural community and its prosperity is bound up with the well-being of "the man on the land." The South Australian Parliament has on several occasions passed legislation for the relief of farmers and others suffering from drought, with the object of enabling them to continue on their holdings until the return of good seasons. The chief Act of recent years was the Drought Relief Act, 1914 (No. 1165).[1] This was passed to meet a State-wide drought of great severity. Acts with a similar object were passed in 1919 (No. 1397)[2] and 1920 (No. 1433). The Act now under review (No. 1557) is of the same general character. It was passed to enable relief to be given to landholders in the huge western province of South Australia known as Eyre's Peninsula, which at the time of the passing of the Act was suffering from a severe drought, though the rest of the State was experiencing a fairly good season. All the Drought Relief Acts have certain features in common. They are all merely temporary measures usually limited in their operation to a particular season, and their purpose is not charitable, but business-like, namely, to prevent the depreciation in value of Crown lands through their holders abandoning them in consequence of drought, and to assist effective land settlement. Hence the assistance given by the State usually takes the form of seed-wheat, manure, chaff for farm horses, and food supplies from the local storekeeper, the landholder being obliged to repay the cost of the commodities supplied with interest.

Passing to the subject-matter of the 1923 Act, it had two main purposes.

Firstly, it was designed to secure the ratification by Parliament of the action of the Government in the earlier part of the year 1923 in assisting settlers in the drought-stricken areas of Eyre's Peninsula by the supply of goods. Secondly, it authorized the Government to continue to assist settlers in those regions so as to enable them to carry on until the next harvest.

The previous two seasons on Eyre's Peninsula had been particularly dry and the farmers had very poor returns from their land. During the 1922 season the difficulties of the settlers had been aggravated owing to the scarcity of water in the local supplies, and the consequent necessity for making long trips in order to obtain water from the supplies brought up by railway. The necessity of spending so much time in water-carting hampered the settlers to such an extent that they were unable to put in full crops for the 1922 harvest. When, in addition to their other misfortunes, the settlers were faced in March 1923 with a refusal on the part of storekeepers to supply them with goods, except upon terms of cash, or credit for one month only, many of them found themselves unable to continue working their blocks. They thereupon appealed to the Government for assistance to tide them over till next harvest.

It was obvious that if anything was to be done, it was of no use unless done immediately. In the light of past experience, it was realized that if the settlers could be kept on their blocks over the next harvest there was little doubt but that they would be able to pay for any assistance rendered them. On the other hand, if help were refused,

[1] See *Journal of Comparative Legislation*, New Series, vol. xvi, pt. ii, p. 101.
[2] *Ibid.*, Third Series, vol. iii, pt. ii, p. 59.

it would mean the abandonment of many blocks, and the settlers (and possibly their creditors) would lose altogether the results of their arduous toil in bringing new land under cultivation.

The Government, therefore, in order to relieve the situation did two things. It refrained from making any immediate demand for rent from any settler occupying Crown lands who was not in a position to pay just then; and it instituted a system of supplying the settlers with necessary commodities. The purpose of the Act was to ratify this system and authorize its continuance up till December 31, 1923. The system was as follows: A representative of the Government was sent out to Eyre's Peninsula in order to investigate the circumstances of the persons who applied for relief. Every case was considered on its merits and in a number of cases assistance was granted. The method adopted was for the Government's representative to give the settler an order which he could present to his local storekeeper for such quantities of seed, chaff, superphosphate and general stores as were necessary in each particular case. The settler receiving the order signed a written acknowledgment and agreed with the Commissioner of Crown Lands to repay the cost of the commodities with interest at 6 per cent. by February 1, 1924, or on transfer or mortgage of his holding. He also agreed to use the goods on his land, and to give the Commissioner a bill of sale over his next crop when called upon to do so. Whether the Government was legally justified in thus making contracts and spending public money without parliamentary approval is very doubtful indeed, but the seriousness of the crisis, the attitude of Parliament towards similar crises in the past and the need for urgent action were their practical justification.

Early Closing.—Act No. 1572 was passed for the purpose of making a number of amendments to the Early Closing Acts, 1911 [1] and 1912,[2] which the experience of the past twelve years had shown to be necessary. These amendments, which are of varied kinds, will be dealt with as far as is possible in the order in which they appear in the Act.

Alteration of the Law regarding Sale of Exempted Goods by Exempted Shops.—Under the Early Closing Acts, 1911 and 1912, certain shops, called in the Acts exempted shops, are allowed to keep open after ordinary closing hours. An exempted shop, however, is not permitted to sell after hours all the lines of goods which it stocks, but only a particular class of exempted goods, namely, the goods which are exempted as regards a shop of the class to which that shop belongs. Thus one shop might be exempted as being a confectionery shop; and such a shop, although it dealt with numerous other lines, could only sell its principal line, namely, confectionery, after hours. Another shop would be exempted as being a fruit shop, and although such shop stocked exempted goods other than fruit it could not sell them after hours. It might well happen that one shop, being exempted as regards sweets, would be able to keep open and sell sweets all day on Sundays, while the shop next door being exempted as regards fruit, although allowed to keep open on Sunday, and although it stocked sweets, could not sell them, since the only exempted goods as regards such shop consisted of fruit.

This state of the law, besides being very unsatisfactory to shop-

[1] See *Journal of Comparative Legislation*, New Series, vol. xiii, pt. ii, p. 371.
[2] *Ibid.*, vol. xiv, pt. i, p. 129.

keepers, was very difficult to enforce, as in many cases the shopkeeper of an exempted shop would appear to be observing the law, though as a fact he might be making very many illegal sales.

In practice all exempted shops have been selling all classes of exempted goods and the Act seeks to legalize this state of affairs. The old definition of exempted goods, as a result of which there was only one class of exempted goods for each shop, is struck out. A new definition is inserted by s. 3, the effect of which is that all the goods shown in the First Schedule to the Act as exempted goods will be exempted as regards all classes of shops. Thus any kind of exempted shop will be permitted to sell any kind of exempted goods after hours or on Sunday.

Sales by Exempted Shops of Non-exempted Goods.—The new Act makes more effective provision than the old Acts for prohibiting the sale of non-exempted goods by exempted shops. In the past numerous complaints have been received by the Government from grocers and other keepers of non-exempted shops complaining that exempted shops which could keep open at all hours were dealing in their lines of goods (which were not exempt) when they themselves had to keep their shops shut. Obviously, it is grossly unfair that an exempted confectionery shop should be permitted with impunity to trade after hours in groceries, when the legitimate grocer cannot keep his shop open in competition.

In order to prevent evasions of the 1911 Act in this matter, s. 5 of that Act is altered by the new Act so as to make it an offence outright for a shop to sell non-exempted goods after hours. This was not the case under the old law. If an exempted shop sold non-exempted goods after hours, an information under Part V of the Act had to be laid against such shop as if it were a non-exempted shop, and this made the legal procedure difficult and complicated.

In order to make the provisions regarding illegal sales of non-exempted goods still more stringent, the new Act provides by s. 4 that if any goods are exposed to view in the shop or in a window thereof, or are in a cupboard, showcase or other container which is not locked, or were covered or screened merely with a cloth, paper or other similar material, that will be evidence that such goods are exposed for sale. This will compel exempted shops to keep non-exempted goods out of sight after hours, and will thus make it more difficult for them to effect illegal sales of such goods.

Fixing of Closing Time for Hairdressers' Shops and Tobacconists' Shops.—The Act alters the law relating to the closing time for hairdressers' shops and tobacconists' shops. By the Acts of 1911 and 1912 hairdressers' shops and tobacconists' shops were made exempted shops; and according to the provisions of those Acts they might, on the application of a majority of the aggregate number of shopkeepers and shop assistants engaged in the trade in any shopping district, cease to be exempted and have any times which they desired fixed for closing times. Hairdressers in the metropolitan and other districts had, prior to the passing of the new Act, availed themselves of this power, and fixed special hours for closing; but there was some difference of opinion between traders as to the most desirable hour for closing. It was felt that it would be much more satisfactory to all concerned if the matter were set at rest by the Legislature. The new Act therefore provides the closing time for tobacconists' shops and hairdressers' shops

throughout the State. It is, put briefly, in all Saturday Closing Districts, eight o'clock on ordinary week-days, two o'clock on the Saturday, and nine o'clock on the Friday. In other districts it is eight o'clock on ordinary week-days, two o'clock on the day of the half-holiday and nine o'clock on Saturdays. Since the passing of the Act tobacconists' shops have ceased to be exempted shops, and as a result tobacco and similar goods cannot lawfully be sold by any shop after the closing time for tobacconists' shops. Between the ordinary closing time, however, and the closing time for tobacconists' and hairdressers' fixed by the Act, tobacconists' and hairdressers' goods are deemed to be exempted goods and may be sold by any shop having the right to be open at that time.

Alteration of Closing Times when Public Holidays Occur.—S. 14 provides a new set of rules for determining the closing times in a week in which a public holiday occurs. The provisions in the Act are rather complicated; but may be easily comprehended if they are considered with reference to their effect as regards the determination of the late night for remaining open. Separate provision is made for Saturday Closing Districts and for districts other than Saturday Closing Districts. First as to Saturday Closing Districts: Under the old law, if a public holiday occurred on a Monday, the shopkeeper in a Saturday Closing District could at his option have his late night either on the previous Friday or the previous Saturday. Under s. 14 of the new Act there is no such option; the late night is in all cases on the previous Friday.

In the same way, if the public holiday occurred on any day other than Monday; under the old law shopkeepers in a Saturday Closing District could have their late night either on the Saturday or on the evening prior to the holiday. Under s. 14 there is no such option. The late night, if the public holiday is on any day other than a Monday, is on Friday, unless the holiday itself falls on a Friday, when the late night is observed on the Thursday.

Similar amendments are made in the case of districts other than Saturday Closing Districts. Under the old law shopkeepers in such districts had the alternative of keeping open till nine o'clock either on the usual late night or on the night before the holiday, except in the case of a holiday on Monday, when there was no opportunity of keeping open late on the previous day.

Under the new Act all the shopkeepers will follow the same practice. The late night in weeks in which a holiday occurs will in all cases be the usual late night, except when the holiday falls on Saturday, in which case the late night will be on the Friday.

Selling Goods on Sunday made an Offence.—Ss. 15 and 18 are designed to remedy defects in ss. 40 and 46 of the old Acts. Under the old Acts, the shopkeeper of a non-exempted shop could not be charged with selling goods on a Sunday, although he was required to keep his shop closed on that day. Nor could anyone be charged with entering a shop on Sunday to buy goods there, although the shop was required to be closed and fastened against the public on that day. The Act alters this state of affairs, by making sales on Sunday an offence, and by prohibiting customers from entering non-exempted shops on Sunday.

Suspensions of the Act for Purposes of Stocktaking.—S. 16 inserts a provision which is devised to meet the requirements of large establishments in the Metropolitan District at the period of the year when stock-

taking takes place. Such establishments will be able to obtain suspensions from s. 41 of the 1911 Act, which required all assistants to be released on the compulsory half-holiday. These suspensions amount to licences for employers to employ shop assistants for stocktaking purposes on the afternoon of the last Saturday in June or the first Saturday in July. They will only be given in cases where the shopkeeper shows his good faith by keeping his shop closed on the morning of the Saturday to which the suspension applies. Moreover, the suspension is only granted on terms imposed by the Minister, and in practice no suspension will be granted unless proper provision is made for paying the assistants at overtime rates. A fee of two shillings and sixpence will be charged for each suspension.

Amendment of the Law Relating to Auctioneers.—The new Act clearly defines the position of auctioneers. The earlier Acts make no mention of auctioneers and upon their true construction probably do not affect auctioneers at all.

The new Act, however, amends the definition of shop so as to include the premises of auctioneers. This by inference makes the term "shopkeeper" include "auctioneer." Thus all the provisions of the Act (subject to s. 28) apply to auctioneers; and unless their premises come within the list of exempted shops as laid down in the First Schedule they must close them at the usual closing time.

S. 28 of the Act, however, gives power to the Chief Inspector to grant licences to auctioneers outside the metropolitan area permitting them to sell goods after the ordinary closing hours. This provision was inserted with a view to permitting clearing sales in country districts to be held or continued, if necessary, after the ordinary closing time.

Immigration.—The principal object of Act No. 1599 is to deal with two problems which could not be satisfactorily dealt with under the powers conferred by the earlier Immigration Acts of 1911 [1] and 1913.[2]

The first problem was in connexion with the boy immigrants (nicknamed "Barwell boys") brought out from England to South Australia under a scheme adopted by Sir Henry Barwell, Premier of South Australia, in 1922 and 1923. These boy immigrants were apprenticed to farmers for a term of years in order to learn practical farming, and the problem was how to assist them to settle on the land after they had completed their apprenticeships and gained sufficient experience to take up holdings on their own account. This question was placed before the Government by Sir William Windham, the Chairman of the British Oversea Settlement Delegation which passed through South Australia towards the end of 1923. He asked that the Government should do something towards assisting immigrants after the expiration of their apprenticeship, in order that public opinion in England should be satisfied that the future of the boys was assured. The Government considered the question and formulated a scheme of making advances not exceeding £300 to suitable immigrants who desired to take up land on their own account, for the purpose of assisting them in the purchase of stock and plant and other necessary commodities. The Act makes the necessary legislative provision for this purpose.

Secondly, it was desired to empower the Government to institute a system of bringing out girls to South Australia from England to meet

[1] See *Journal of Comparative Legislation*, New Series, vol. xiii, pt. ii, p. 369.
[2] *Ibid.*, vol. xv, pt. ii, p. 44.

the demand for domestic assistance. The scheme relating to this matter which the Government decided to adopt is practically that which was formulated by the Liberal Women's Educational Association of South Australia and approved by Miss Gladys Pott, O.B.E., of the British Oversea Settlement Delegation. Briefly, the scheme is to bring out in the first instance sisters or other nominated relatives of the boy immigrants. The girls are to be not less than sixteen years of age, and are to be brought out on the understanding that they are to be received into households as home helpers. The period of service is to be not less than one year. Part of the wages earned by the girls will, as in the case of boy immigrants, be devoted to repaying the cost incurred by the Commonwealth in bringing the girls out. Arrangements are to be made with the Commonwealth Government regarding supervision of the girls on the voyage out, and voluntary local committees will assist in looking after the girls upon arrival until they are placed out with their employers. The details of this scheme do not appear in the Act, being largely matters for arrangement with the Commonwealth or matters to be carried out by voluntary committees and needing no legislative provision. The Act confines itself to extending the powers of the Government so that girls can be brought under the care and control of the Minister and placed out and apprenticed in the same way as boys.

Industrial and Provident Societies.—The object of Act No. 1588 is to provide a new code regulating those institutions which are known to the law as Industrial and Provident Societies, and which include in their number most of the concerns which are popularly termed co-operative societies. In this Summary the term "society" is used for the sake of brevity in referring to Industrial and Provident Societies. The Act regulating societies previously in force was passed in the year 1864 and was never amended. For some time, however, its inadequacy had been growing more and more apparent. Of late years and particularly since the war there has been a great increase in South Australia in the number of registered societies. No doubt the system of pooling primary products which grew up during and after the war has been largely responsible. Throughout South Australia and particularly on the River Murray (where a great number of returned soldier fruit-growers have settled) numbers of Industrial and Provident Societies have been formed for the purpose of handling and marketing primary produce and of carrying on the business of universal providers and general agency business. The importance of these societies will be realized when it is mentioned that the annual income of twenty of the largest societies registered under the old Act was in 1920 (the last year for which figures are available) no less than £1,150,000. The number of members then interested was 23,818. Since then there has been a considerable increase. It was clearly necessary, therefore, that such societies should be placed in a position to know exactly their legal rights and duties, and that full and proper provision should be made for protecting both their own members and the members of the public who deal with and give credit to them. This Act therefore repealed the Act of 1864 and substituted a new and much more detailed code. In drafting this code a number of provisions were adopted from the English legislation on the subject (56 & 57 Vict. c. 39, and 3 & 4 Geo. V, c. 31) and several from the Queensland legislation (Act No. 32 of 1920).

The first and one of the most important objects achieved by the new Act is to extend the scope of the businesses which it is lawful for societies to carry on. Under the Act of 1864 a society could only be formed if its purpose was the carrying on of any labour, trade or handicraft, whether wholesale or retail, other than the business of banking. Although the Registrar of Industrial and Provident Societies, in registering societies under the Act, construed the words "labour, trade or handicraft" as liberally as possible, instances occurred where societies were formed for purposes which could not be brought within the scope of the old Act.

S. 5 of the new Act, in dealing with the kinds of societies which may be registered, substitutes for the words "labour, trade or handicraft" in the old Act the words "industries, businesses or trades specified in or authorized by its rules, whether wholesale or retail" (banking is excepted by subdivision II of subsection (1). The effect of these words is that practically any kind of commercial and manufacturing business except banking can be carried on by a society. A further concession to societies is given by subsection (2) of the same section. As already mentioned, under the 1864 Act no society could carry on the business of banking. The same prohibition is inserted in the new Act, but it is permitted to societies, if they think fit, to take money on deposit from their members or the public generally. Persons making deposits are given some security for repayment of their money by the provision in subsection (2) of s. 5. In practice, this provision means that in the event of any capital being paid out by a society the money received by it on deposit will be repaid in priority to all other claims.

S. 5 also deals with the important question of the limitation of the amount of money which any one member may invest in the shares of a society. Industrial and Provident Societies have always provided a particularly cheap means of obtaining from the State the privilege of incorporation, and on this account there has always been a restriction placed upon the holding of any single member. The old Act fixed the limit at £200. The new Act, however, makes very generous increases in this amount. It permits an ordinary member to hold an interest in a society up to the value of £500 and any society which becomes a shareholder in another society may invest any amount of money which it thinks fit in the funds of that other society. This is the combined effect of subdivision I of s. 5 (1) and of s. 34 (I) (*b*).

S. 6 lays down the conditions of registration. The minimum number of members permitted to form themselves into a society under the old Act was seven. This number is retained in the new Act, with this exception, namely, that any two existing societies may form themselves into and register as a new society. This provision, which has been found useful in England, will, it is anticipated, meet South Australian needs. Under the old Act there was no power to form what may be called in popular language a Co-operation of Societies, and several cases had occurred before the passing of the new Act where existing societies desired to effect a qualified amalgamation of this character, but were unable to do so. S. 6 further requires that no society shall register under a name which so closely resembles the name of any other society as to be likely, in the opinion of the Registrar, to mislead the public. It further prescribes that the words "Society Limited" or "Co-operative Limited" shall be the final part of the name of every registered society.

The procedure on registration is much simplified in the new Act. Under the old Act any society desiring to register itself had to forward two copies of its rules to the Registrar, who was compelled, before issuing a certificate of registration, to submit the rules to the Governor, who took the opinion of the Crown Solicitor upon them. If he thought fit, the Governor confirmed the rules and the Registrar then issued his Certificate of Registration. The new Act provides in ss. 7, 8, 9 and 10 for a simple and more expeditious mode of procedure. The Registrar, who is in practice the Master or Deputy Master of the Supreme Court, is made wholly responsible for effecting registration. All that a society has to do in order to register is to send two copies of its rules to the Registrar, who, if he considers there is no objection to registration, will endorse on each copy of the rules an acknowledgment of registration and return one of these copies to the society. The endorsement is conclusive evidence of registration. The procedure of referring the rules to the Governor and the Crown Solicitor is abolished; but, of course, if he so desires the Registrar can have the advice of the Crown Solicitor in any case of difficulty.

Considerable powers are given to the Registrar of refusing to register any society, but subject always to an appeal to the Supreme Court against a refusal. These powers did not exist under the old legislation. The cases in which the Registrar can refuse to register a society are set out in s. 8. The power given to the Registrar by this section has for its object the protection of the public and of the members of the society. If the Registrar, for example, were of opinion that the rules of the society applying for registration would bring about a state of affairs in which the fund available for payment of the society's creditors would be appreciably diminished, he would exercise his power under s. 8 and refuse to register. Again, if the rules were such that a member who desired to withdraw from membership of the society could only do so upon terms of sacrificing a considerable share of his holding in the society, then that would be a proper case for the exercise of the Registrar's power under s. 8.

S. 11 of the new Act was not in the Act of 1864. This section confers upon the Registrar powers of cancelling and suspending the registration of a society in certain cases, after giving the society two months' notice of his intention to do so. It is, of course, essential that the Registrar should have this power in order to control the Register and keep it up to date by cancelling the registration of defunct societies, and to prevent any society which has obtained its registration by fraud from keeping its name on the Register and continuing to enjoy the privileges of incorporation. Moreover, under s. 11 (1) (*c*) the power thus vested in the Registrar of cancelling or suspending registration will supply a very simple but effective punitive weapon and may be used to compel societies promptly to comply with the provisions of the Act and to observe the law in other respects. A provision is included giving a society the right of appeal against cancellation of its registration, or against suspension if that suspension is renewed at the end of a period of three months. The interests of the public in any case in which a society ceases to be registered are by subsections (3) and (6) of s. 11 safeguarded by the provision for advertising the cancellation or suspension of the registration of a society and by the provision that cancellation or suspension will not affect the liabilities incurred by the society.

S. 12 of the Act, which deals with the rules of societies, may be briefly mentioned. It casts upon societies the duty of making provision in their rules for such matter as the name and objects of the society, the holding of meetings, audit, mode of transferring the shares, appropriation of profits and other kindred matters. The only innovation in the section as regards this matter is that it imposes upon societies the duty of providing in their rules for certain matters for which provision had not formerly to be made. Firstly, the rules must lay down the maximum amount of interest, being not greater than the £500 allowed by the Act, which any member may hold in the shares of the society; secondly, the rules must determine whether or not the society can contract loans or take deposits from its members, subject to the Act; and, thirdly, they must provide for the custody and use of the seal of the society.

As in the case of limited companies, provision is made for enabling members of the public to obtain a copy of its rules from any society on payment of the prescribed fee. (S. 12 (5)).

The sections in the Act dealing with the duties of registered societies contain some matter which was not previously the law in South Australia. These sections, namely, ss. 13–18, are of very great importance, having regard to the nature of Industrial and Provident Societies. Ss. 13 and 14 are substantially the same as ss. 10, 11 and 8 of the Act of 1864 and require every society to send to the Registrar notice of the situation of its office and of any change of its office. The name of every society must be clearly shown on all its places of business, and on its seal and its documents.

S. 15 breaks new ground, as far as the law in South Australia is concerned. Under the old Act no provision was made for what is now almost a universal practice in the commercial world, namely, an annual audit, and the expediency of insisting upon this in the case of societies is obvious.

S. 16 provides for an annual return being made by every society, in a manner which is designed to meet the convenience of societies. Under the Act of 1864 (s. 21) the annual return had to be made by a society in the form and at the time required by the Registrar. The Registrar's time did not always fit in with the annual balance of the society. Under s. 16, however, the annual return will be made up for the period of the financial year of the society and will comprise the audited statements of receipts and payments and profit and loss and the balance sheet for the year in question, with any details required by regulation. A copy of the auditor's report will also have to be forwarded to the Registrar annually. Besides these reports relating to the trading or other business of societies, annual and quarterly statements showing the state of the capital account are required. This is a very prudent provision and is aimed at supplying to the public necessary information to guide them in their dealings with societies, especially the giving of credit. One of the most important differences between a society under the new Act and a limited company is this: a company cannot reduce its capital without an order of the Court, made, if necessary, after hearing the views of the company's creditors on the subject; nor can a company buy its own shares. On the other hand, a society under the new Act, if its rules so provide, will be able to contract its capital by the simple method of repaying to members

the amounts of their shares. Such a reduction of capital may, of course, lessen considerably the fund available for payment of the society's creditors; and in order that persons dealing with the society may, if they desire, be able to ascertain its true financial position, s. 16 (5) requires, in effect, that a record of the dealings which increase or reduce the society's capital be filed quarterly in the Registrar's office.

There are new provisions in the Act relating to the right of members of a society to inspect its books. These are ss. 19 and 20. Under the Act of 1864 anyone with an interest in the funds of a society could inspect *all* the society's books and the names of its members. Under the new Act, however, a person may only inspect his own account and the list of members, unless the society make special rules granting persons the rights to inspect any other of its books. The loan or deposit account of any member cannot be inspected without the member's written consent, unless with the authority of a special resolution of the society. In addition to these rights any ten members may, pursuant to s. 20, obtain from the Registrar the appointment of an actuary or accountant to make an inspection of the society's books and to report thereon.

It will be seen, therefore, that the new Act has provided all such machinery as is reasonably necessary in order to enable the members of any society and of the public to acquaint themselves with the financial position of the society.

Ss. 22 to 32 of the Act prescribe the privileges of registered societies. These are in many respects very similar to the privileges which are enjoyed by companies registered under the Companies Act. They include incorporation, limited liability and the binding of members by the rules of the society as though the members had covenanted to conform thereto. The usual provision enabling a society to contract by means of its authorized agents is contained in s. 32. One privilege which is permitted to societies under s. 25 of the Act and is not enjoyed by limited companies deserves special mention. It is this: That any member of a registered society may during his lifetime nominate a person to whom upon his death his interest in the society up to the amount of £220 may be transferred. The effect of this provision is very advantageous in the case of persons of small means whose money is invested in a society. Upon the death of a man, for example, who has deposited £100 with a society and has nominated his wife as the person to receive it upon his death, the wife can, without being put to the expense of taking out any probate or letters of administration, claim and receive forthwith from the society the full value of her deceased husband's interest. Even in the case of a person of larger means the desirability of having a sum of money available for his dependents immediately upon his death is obvious. The new Act does not alter the principle of the old Act in respect to this system of nomination, but provides ampler details with regard to the working of that system.

The portion of the Act headed "Property and Funds of Society" (ss. 33–37) contains modern and complete provisions relating to modes in which a society may invest its funds in cases where the rules do not otherwise direct. It is to be noted that societies are forbidden to lend money or make advances upon the security or pledge of their own shares. S. 38 sets out a special privilege which societies enjoy, namely, the power of validly discharging a mortgage by a simple endorse-

ment of receipt on the mortgage instrument, and this discharge is registrable under the Real Property Act, 1886.

Ample provision is made in the Act (ss. 39 and 40) for securing that the members shall be protected against any possible fraud on the part of the society's officers; while in s. 41 detailed rules are laid down regarding the settlement of disputes between the society and its members. These provisions have been in force in England for some twenty years and are calculated to provide an economical and expeditious mode of settling disputes.

S. 42 of the Act gives the Registrar the right to order inspection of the affairs of a society. The order may be made on the application of one-tenth of the members of a society, or one hundred members if the total number of members is over 1,000. The powers given to an inspector appointed by the Registrar under this section are much wider than the powers of inspecting the books of a society under s. 19. An inspector appointed under s. 42 will have the right not only of examining the books of the society and vouching them as he thinks proper, but also of taking sworn testimony from any of the society's officers, members, servants or agents. It must be borne in mind that this power, which at first sight may seem to be somewhat wide, is curtailed in practice in two ways: firstly, the inspector will only be appointed if the Registrar thinks it a proper case, and with the consent of the Minister administering the Act; secondly, the persons applying for the appointment of an inspector may have to give security for the costs of the inspection. This ensures that the section will not be used as an instrument of oppression, while used in a proper case it is calculated to provide a very efficient method of detecting irregularities.

S. 43 explains what conditions must be complied with by a society if it desires to pass a valid special resolution. S. 44 enacts that a society may, by special resolution and with the approval of the Registrar, change its name. This is a useful provision which was not in the old Act. S. 45 is another new provision which will be of considerable value in practice. This section gives the right to any two or more societies to amalgamate by special resolution of all the societies concerned.

S. 46 provides a very simple and convenient procedure by which a society can convert itself into a limited company and have itself registered as such under the Companies Act, 1892.

S. 48 preserves the rights of any creditors against a society which has amalgamated with another society or a limited company or transferred its engagements to a limited company.

Ss. 49 to 52 deal with the procedure on the winding up of a society. As to these little need be said. In many cases falling under the sections the procedure follows that on the winding up of a company under the Companies Act, 1892. There is, however, one method of winding up societies provided by these sections which is new to South Australia. It is skilfully but simply constructed to meet the needs of small societies. This method is by what is known as an instrument of dissolution. Such an instrument sets out the liabilities and assets of the society, the number of members and the nature of their interests, the claims of the creditors and the provision to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless these matters are left to the Registrar. This instrument is signed by all the members, verified and advertised in the Government *Gazette*

and one newspaper. If at the end of three months from the advertisement no one takes proceedings to set aside this instrument, it becomes binding, and the society is dissolved as from the date of the advertisement.

S. 53 in effect makes non-compliance with the Act in every case an offence. The section also makes it an offence for anyone to send in a wilfully false or insufficient return. S. 54 makes the proper officer of a society responsible for any offence committed by the society.

Ss. 55 to 60 create a number of offences. In every case these are directed to ensuring strict compliance with the provisions of the Act and to prevent anything in the nature of fraud.

The supplemental provisions of the Act (ss. 63 to 65), with one exception, call for no special remark. The exception is that under this Act regulations may be made, prescribing fees to be taken in respect of the various matters transacted pursuant to its provisions. Under the old Act there was no power for the Registrar to take any fees for the work he did in the administration of the Act.

Liens on Fruit.—Act No. 1597 was introduced as the result of representations made by the Australian Dried Fruits Association. Its main purpose is to provide machinery whereby persons making advances to fruit growers on the security of their crops can by a simple and expeditious method obtain an adequate security for the repayment of the money advanced. The Act is of particular importance to soldier-settlers who are engaged in fruit growing. A great many of these soldier-settlers have practically no mortgageable interest as yet in their holdings, and when they require financing in order to enable them to harvest their crops the only security which they have to offer is their fruit. Institutions other than the Government, such as the Australian Dried Fruits Association, Banks, Packing Sheds, and Distillery Companies, are prepared to make the necessary advances provided that registered liens over the fruit can be given. The Act is designed to meet their requirements in this respect.

In addition, however, to the cases where an advance is made on the security of a fruit crop, the Act also covers the case where a growing crop, not harvested, is sold outright, and in this case provides machinery whereby the buyer can protect his interest until harvest by obtaining a lien. The scheme of the Act follows closely that of Victorian legislation on the subject of liens on crops (No. 2672 of 1915), and is also analogous to the existing South Australian Act of 1855–6 dealing with liens on wool.

Proof of Sunrise and Sunset.—Prior to the passing of this Act, No. 1559, there was not available in South Australia any easy and convenient method of proving in courts of law the times of sunrise and sunset at a particular place. The only evidence of the times of sunrise and sunset at a particular place that is properly admissible at common law is evidence that is based on scientific knowledge and must consequently be given by an expert. Even the evidence of a person who deposes that he actually saw the sun set at a particular time is often not satisfactory, for the question as to whether the sun actually set at such a time must be decided having regard to such considerations as whether the sun set behind a hill, whether the observer was on a hill, and whether his observations were affected by the atmospheric conditions, and the witness may not be able to show that he qualified himself properly to give the evidence.

The chief cases in which the question of the proof of the times of sunrise and sunset arises in South Australia are those under the Lights on Vehicles Act, 1919, and the Motor Vehicles Act, 1921, which require that vehicles must carry lights between half an hour after sunset and half an hour before sunrise. The Courts in South Australia will take judicial notice, without any proof, that a time such as 8 p.m. on a day in August is more than half an hour after sunset, but in very many cases the fact is not so clearly a matter of common knowledge that judicial notice would be taken of it without any proof. In such a case the time of sunset at the place where the offence was alleged to have taken place had to be proved by the evidence of a scientific expert. Usually the only evidence available was that of a police constable who had not himself personally observed the time of sunset on the particular day, and obviously it was not always convenient or possible to obtain the services of an expert to give the necessary evidence.

The time of sunset varies throughout South Australia; but the most practical solution of the difficulty appeared to be to provide official evidence not of the actual time of sunset at a particular locality, but of a time which was to be taken as the uniform time of sunset over a wide area.

S. 2 of the Act accordingly provides that the Minister administering the Act shall every three months publish in the Government *Gazette* an almanac giving times of sunrise and sunset for the succeeding three months. This is being done. The times given are compiled from information supplied by the Government Astronomer, and are the times which will secure the best working scheme for the whole State. Obviously, the times fixed are the actual times at one particular spot only, but as the variation in the times of sunrise and sunset from the eastern border of South Australia to the western border is only forty-eight minutes, the uniform time does not vary to any considerable degree from the actual times of sunrise and sunset at any particular place in the State. It cannot be claimed that the scheme adopted in the Act is one which will ensure strict accuracy, but the scheme is probably the best practical method of achieving the desired object that can be evolved.

S. 3 provides that an almanac published under s. 2 is to be received in courts of law as *prima facie* evidence of its contents. Thus the time of sunset on any day is proved merely by producing the almanac covering the day. If a litigant considers that the time set out in the almanac is contrary to the actual time of sunrise or sunset, as the case may be, at the place in question, then he can bring scientific evidence to prove that the time set out in the almanac is wrong. If the Court believes the scientific evidence, the Court will discard the almanac, as the almanac is only *prima facie* evidence and therefore can be displaced by stronger evidence as to the fact in dispute. But if the Court is not convinced by the evidence contrary to the almanac or if no such evidence is brought, then the Court will accept the almanac as final evidence of the times of sunrise and sunset.

River Murray Waters.—The importance of Act No. 1568 lies in the fact that it marks the final stage in the scheme for utilizing to the fullest extent for navigation and irrigation the waters of the River Murray, which is by far the largest river on the Australian Continent and is often called "the Nile of Australia." The legislative history of the

scheme in South Australia dates back to 1910, when the Murray Works Act, 1910 (No. 1023),[1] was passed. Under this Act the Government of South Australia was authorized to undertake single-handed the construction of works for the purpose of impounding the waters of the River Murray with a view to their use for irrigation. Nothing effective was done under this Act, partly owing to threats of legal proceedings by Victoria and New South Wales against South Australia for damage likely to result in these States through the execution of the authorized works in South Australia. The co-operation of these States was obviously required if an effective scheme was to be carried out. The next stage was the passing of the River Murray Waters Act, 1915. This gave legislative ratification to an Agreement made between the States of New South Wales, Victoria and South Australia, the three States which are traversed by the River Murray, and the Commonwealth, for concerted action in connexion with the utilization of the waters of the river. The adherence of the Commonwealth to the scheme indicates that the undertaking was regarded as being of a national character and of great importance. Under the Agreement which the Act ratified and authorized to be carried out a scheme was provided for which involved the construction of a number of locks and weirs in the river at various points in New South Wales and Victoria (between which States the river forms the boundary for part of its course) and at various points in South Australia. Seventeen locks and weirs were to be constructed in New South Wales and Victoria above the junction of the River Murray with the River Darling, and nine in South Australia below that junction. The seventeen locks and weirs were to be constructed by Victoria and New South Wales acting either separately or jointly, the nine by South Australia. The estimated cost of the whole undertaking was £4,663,000. This was a pre-war estimate and it is obvious at the present time that the undertaking cannot be carried out for anything like this sum. The contracting Governments are, however, bound to finish the work now that it has progressed so far, especially as a great deal of public money has already been spent in the settlement of returned soldiers on the banks of the Murray who are dependent on irrigation from the river for the growing of fruit for drying and canning, and for wine-making. The next stage was the passing of the River Murray Waters Act Amendment Act, 1920 (No. 1450).[2] This Act ratified an Agreement made between the parties to the principal Agreement of 1915, whereby considerable amendments were made to the latter Agreement. The principal object of these amendments was to create a body called the River Murray Commission, consisting of four members, one appointed by each of the contracting Governments. This Commission was charged with the duty of constructing the locks and weirs provided for by the principal Agreement, the contracting Governments contributing the necessary money. The Commission was appointed in due course, but the main scheme embodied in the amending Agreement which was ratified by the 1920 Act was never given effect to, and the previous practice, namely, that the construction work required to be done in any State was carried out by the Government of that State, was continued.

The final stage was the passing of the 1923 Act, which repealed the

[1] See *Journal of Comparative Legislation*, New Series, vol. xii, pt. ii, p. 408.
[2] *Ibid.*, Third Series, vol. iv, pt. ii, p. 70.

1920 Act and ratified a second amending Agreement which had been arrived at by the four Governments. The main features of this Agreement are as follows:

1. The construction of works which provide for the needs of irrigation is to have precedence over the construction of works having reference primarily to navigation purposes.
2. The Commonwealth's share of the cost of construction is increased to one-quarter, the same as that of the State Governments.
3. Tolls collected in respect of navigation on the river are to be divided equally between the four contracting Governments.
4. The work of constructing the locks and weirs is to continue to be carried out by the three States, each constructing such of the works as are required to be constructed within its own territory.

Sand Drift.—In certain of the more arid parts of South Australia considerable damage has been done from time to time by the drifting of sand under the influence of the prevailing wind on to roads, bridges, culverts and even railways, reservoirs and other public works. Experience has shown that it is possible, by the use of appropriate preventive measures, to check and often to prevent the drifting of sand in this way. The necessity of controlling sand drift has long been recognized in South Australia, and power has been conferred by the District Councils Act, 1914 (s. 298), upon District Councils to deal with sand drifts, with power to compel private owners of land to plant or clear their land, as the case may require, in order to prevent sand drift. These powers, however, are not adequate to cope with the problem, for they do not extend to land outside District Councils and are not designed to protect public works other than roads. The Act (No. 1598) now under review deals with the sand-drift nuisance in a much more comprehensive fashion, and invests local governing bodies and the Government with the fullest powers to check or prevent any damage by drifting sand in any part of the State.

Succession Duties.—Act No. 1576 makes certain amendments to the Succession Duties Acts, 1893 to 1919, which are of considerable importance. They cannot be conveniently classified under any generic headings, and will be dealt with in the order in which they appear in the Act. The first amendment relates to the deduction of the amount of duty paid in other countries on personal property situated in those countries and comprised in the estates of deceased persons who were domiciled in South Australia, from the amount of duty payable on such property in South Australia according to South Australian law. The Act drastically restricts the class of cases in which this deduction may be made. The sections relating to the matter are Nos. 3, 5, 14 and 15. In order to make clear the changes in the law which they effect, the provisions of ss. 7 and 18 of the Succession Duties Act, 1893, must first be considered, bearing in mind that, in practice, these sections only apply in respect of personal property, not land.

By s. 7 of the 1893 Act it is provided, amongst other things, that if a person dies domiciled in South Australia, succession duty is chargeable on all his personal property, whether it is situated in South Australia or in any other part of the world. If this provision stood alone it would, of course, frequently happen that succession duty became payable twice in respect of the same property. To prevent such a double

incidence of duty, the Succession Duties Act, 1893 (s. 7), provided that if succession duty were paid in any country (other than South Australia) on any property situated out of South Australia but owned at the time of his death by a person domiciled in that State, the amount of duty so paid could be deducted from the amount due to the Government of South Australia. Exactly the same principle was applied in the case of property outside of South Australia which accrued to any person by virtue of a settlement or deed of gift under such circumstances as to make it liable to duty both in South Australia and elsewhere. The duty paid on such property in the country in which it was situated could be deducted from the amount due to the Crown in South Australia. This was the effect of s. 18 of the Act of 1893.

The effect of these provisions in practice was that domiciled South Australians could invest their money in other countries without any fear of penalizing their estates by rendering property acquired abroad liable to a twofold duty.

It was found, however, that while South Australia thus permitted the amount of duty paid to the Governments of other countries on property forming part of the estates of domiciled South Australians and situated in those countries to be deducted from the amount payable in South Australia, the same privilege has not been accorded by many other countries as regards the estates of their own citizens in like circumstances. For example, the only Australian States which allow the executors and administrators of persons dying domiciled in them to deduct from the amount of duty payable in those States on any personal property situated in South Australia the amount paid on such property to the Government of South Australia in respect of the same property, are Queensland and Tasmania. This meant that any person domiciled in New South Wales, Victoria or Western Australia who put money into South Australian companies or acquired other personal property in South Australia thereby exposed such property to the burden of paying a succession duty both in the State of the domicile and in South Australia. Such a state of affairs to some extent discouraged the influx of capital into South Australia, while, on the other hand, the South Australian policy was calculated to encourage South Australian investors to invest their funds abroad.

The Act remedies this state of affairs. Ss. 14 and 15 empower the Governor to declare to be a reciprocating State any State or country in which he is satisfied that provision is made for deduction from duties payable in such State or country, in respect of property in South Australia, of the amount of duty paid in South Australia on such property. The Governor may also in a proper case revoke any such proclamation. Once a State becomes a reciprocating State, the provisions of ss. 7 and 18 of the principal Act as amended by ss. 3 and 5 of this Act will apply to it, but not otherwise. That is to say, if duty is paid in a reciprocating State on property situated in such State and derived from a deceased person who was domiciled in South Australia, the amount so paid will be deductible from the amount of duty payable in South Australia. But if any such property is in a State not a reciprocating State, no deduction will be allowed.

S. 9 has the effect of amending the definition of " net present value " in the amending Act of 1919 in a material particular. In all cases under the Succession Duties Acts the duty is calculated on the amount

of the "net present value" of the property upon which the duty is chargeable. Under the Act of 1919 the net present value of any property accruing under a settlement, deed of gift, or gift other than by deed, made in such circumstances as to be liable to duty, was calculated on the basis of the value of the property *at the time when such property became chargeable with duty.* This was in all such cases the time when the settlor or person making the gift died. In practice this left the way open for evasion of the payment of succession duties. Anyone who could not hope to live for long might make a gift of some or all of his assets to whomsoever he chose and possibly by the time the donor died the gift would be disposed of or consumed. The amendment makes such gifts liable to duty calculated on their value *at the time they are made*; although such gifts remain, as before, chargeable with duty only upon the death of the donor, and interest on any duty unpaid only runs from three months after the date of such death.

S. 10 of this Act re-enacts s. 18 of the Act of 1919 with alterations in two material particulars. In subsection (2) the time at which duty payable on gifts not by deed becomes chargeable is clearly determined. The time is upon the death of the donor. No time was specified in the section as it stood, but it was essential that there should be no doubt on this matter, since later on the new Act enacts that interest on unpaid duty is to be charged from the time when the duty became chargeable.

Subsection (3) of s. 18 as re-enacted by the new Act is a new provision. It is aimed at preventing evasion of succession duties by what may be termed "colourable gifts." An example of such a gift would be where a father otherwise than by a deed of gift or settlement gave his son £3,000 upon condition that the son was to make no demand for the money during the father's lifetime, and the father was to have the interest on the money. As the law previously stood, unless the father died within twelve months from the gift the son would, upon the father's death, take the money without being under any obligation to pay succession duty, although in fact he received the money under what was in substance a disposition taking effect upon the father's death (see Simms *v.* Reg. of Probates for South Australia, 1900, A.C. 323). Subsection (3) of s. 18 as enacted by s. 10 of the new Act renders gifts of this nature liable to succession duty immediately upon the making thereof. The person taking such a gift is obliged to file a statement in the usual way immediately upon receiving the property, and pay the duty as soon as it is assessed by the Registrar.

Ss. 12 and 13 make slight alterations in the Act of 1919, in order to make quite clear when it is that succession duty is chargeable, when it is payable, and at what time interest on unpaid duty commences to run. As a result of these amendments the position is as follows: Duty is in all cases *chargeable* immediately upon the death of the person from whom property is derived, if the liability to duty depends upon succession to property at the death of anybody; if the liability to duty depends on the taking of an interest in property at some other time than upon the death of a person, then the duty becomes chargeable upon the taking of the interest. Duty, however, is not *payable* until the prescribed statement setting out the value of the property taken and other prescribed particulars has been filed, and the amount of duty has been assessed by the Registrar. This was the old law and is not

altered. The amendment to s. 25 of the Act of 1919 is made for the sake of consistency, and provides that the duty is not to be deemed a debt due to the Crown till it is payable. With regard to interest, the effect of the new Act is that interest can be charged on unpaid duty from the expiration of three months from the time when the duty became chargeable. Under the old law, interest ran from three months after the time that duty became payable ; and as duty only became payable after the statement was filed and the amount fixed, an estate which neglected for years to file its statement could not be charged interest on the amount of duty it owed to the Crown, since, strictly speaking, the duty was not payable. The new Act, however, by providing that interest on unpaid duty will be charged from three months after the duty becomes chargeable, will compel the persons whose duty it is to file statements to do so within three months after the death or other event upon which they succeed to property, and have the duty assessed ; otherwise they will have to pay interest from the end of the third month after the death or other event upon which duty becomes chargeable.

S. 16 makes an amendment of the law which is necessary in order to prevent evasion of the duty upon gifts by splitting up gifts into small fractions and giving each portion separately. By s. 18 (3) of the Act of 1919 no duty is chargeable upon gifts (not made by deed) of under £50 in value ; while according to the scale of duties upon all gifts, the smaller the gift, the lower is the rate of duty. Thus by making, say, five gifts of £50 to the same person instead of one gift of £250, a donor could avoid rendering the property given liable to succession duty ; and property made over by three separate gifts, say of £500 each, would be liable to duty at a lower rate than property made over in a single gift of the value of £1,500. In order, therefore, to meet such cases s. 16 provides that where a person within twelve months of his death makes more than one gift or other non-testamentary disposition of property to the same person, the duty shall be chargeable on the aggregate amount of the net present value of that property.

S. 17 prescribes the principle to be adopted by the Registrar in estimating the value of property for the purpose of assessing the duty payable on it. The section provides that no reduction is to be made in the estimate of the value of the property by reason of the fact that all of it is to be placed on the market at the same time, but when it is proved to the Registrar that the value of the property has been depreciated by reason of the death of the testator, such depreciation is to be taken into account.

Ss. 18 and 19 read in conjunction with the definition contained in s. 14 are new as regards South Australia. These sections impose a succession duty upon the holdings of deceased shareholders (whether domiciled in South Australia or not), in companies which, although not domiciled in South Australia, carry on business in South Australia.

The machinery adopted by the Act is to require every foreign company within the meaning of the Companies Act, 1892, which carries on business in South Australia to notify the Registrar of Probates whenever any of its members die and probate of the wills or letters of administration of the estates of such members are lodged with the company, or notified to it. The company is allowed six months from the date when probate or letters of administration were notified to it to file a return with the Registrar of Probates showing the name and address

of the deceased member, the date when probate or letters of administration were notified to or lodged with the company, and the number, description and value of the shares in the company held by the deceased person.

Upon this statement duty will be assessed by the Registrar on the basis of the rates set out in the Second Schedule to the Act, irrespective of the relationship to the deceased of the persons taking his stock or shares. No duty will be payable upon any holding which does not exceed in value £1,000. The amount payable will not be the full amount set out in the Schedule, but a proportion thereof which bears the same relation to the full amount in the Schedule as the net profits arising from the business carried on in South Australia, and from the sale at any place of the products of such business, bear to the total net profits of the business of the company wherever carried on.

The liability to pay this duty rests in the first instance upon the company. The company, however, by s. 18 (3), is enabled to deduct the amount which it thus pays as duty on behalf of the estate of any deceased member from any money payable by it to the estate of such member in respect of his shares or stock. If under any other provision of the Succession Duties Acts duty is payable on the shares of a deceased member of a foreign company carrying on business in South Australia, and such duty is paid, no duty will be payable by the company under this part of the Act. This is the effect of s. 18, subsection (1), III. To ensure the efficient working of this part of the Act it is provided that if the company does not deliver the information required by s. 19 (1), the company itself and its attorney in South Australia will be guilty of an offence.

Taxation.—The principal object of Act No. 1583 is to ratify and authorize the carrying out of the agreement made on September 12, 1923, between the Commonwealth Government and the Government of South Australia for the collection of Commonwealth income-tax in South Australia by the State Land and Income Tax Department, the State Department taking over for the purpose the Commonwealth officials already engaged on that work. The principal advantage of the amalgamation is that taxpayers are enabled to make their returns for Federal and State taxation purposes on one form, instead of having to use two separate forms as previously. Another advantage is the avoidance of duplication of services, and still another is the probability of a financial saving, though apparently this will not amount to a large sum. It may be mentioned that this is the second instance, as far as South Australia is concerned, of the making of an arrangement between the Commonwealth and State Governments for the carrying on jointly of a particular public service previously carried on separately by each Government. The earlier instance is the arrangement made in 1920 for the preparation and maintenance by Commonwealth officers of a joint roll of the electors for the Commonwealth Parliament and the electors for the State House of Assembly. The Electoral Code Further Amendment Act, 1920 (No. 1446), was passed to enable the agreement between the two Governments to be carried out. As the basis of the franchise in each case is adult suffrage, the carrying out of the arrangement was not difficult, and the result from the public point of view has been highly satisfactory. This, no doubt, encouraged the two Governments to enter into the agreement for the amalgamation of their Income Tax

Departments in South Australia. There is, however, this difference between the two arrangements, that the joint rolls are kept by Federal officials, whereas the income-tax laws of the State and the Commonwealth are administered in South Australia not by Federal officials, but by State officials. This aspect is particularly gratifying to local partisans of State rights, in view of the constant tendency on the part of the Commonwealth Government and Parliament to encroach more and more upon State functions.

Though the Act was passed primarily for the purpose of enabling the agreement for the joint collection of income-tax to be legally carried out, it contains a number of amendments to the State income-tax law which will greatly assist the smooth working of the agreement, though the amendments are not strictly necessary to enable the agreement to be given effect to. There are also some amendments which affect to some extent the incidence of the tax.

Wheat Harvest Scheme (Barring of Claims).—Act No. 1582 marks the end of the system of compulsory wheat pools in South Australia which was inaugurated as a war measure by the Wheat Harvest Act, 1915. Similar legislation was passed in the other wheat-growing States of Australia, and there was a Wheat Board in each State, and an Australian Wheat Board to control the sale overseas of all wheat and to co-ordinate the activities of the State Boards.

The present Act was a necessary step preliminary to the finalization of the accounts of the South Australian Wheat Harvest Board. Before the pool accounts could be closed it was necessary that all the ordinary business and trading claims should be dealt with, and not allowed to remain outstanding indefinitely.

The matter of limiting the time within which these claims should be required to be notified to the Government was dealt with at a conference between the Australian Wheat Board and the State Wheat Boards at the end of January 1923, and it was resolved that public notice should be given that claims against the Australian Wheat Board and the State Wheat Boards should be lodged not later than April 30, 1923, and that legislative authority would be sought in each State concerned to bar all claims not lodged before that date.

Pursuant to this resolution the South Australian Wheat Harvest Board early in March 1923 advertised the terms of the resolution thoroughly throughout South Australia, intimating in the advertisement that legislative authority would be sought to bar all claims not delivered after April 30, 1923.

Parliament by passing this Act gave effect to the resolution of the various Wheat Boards, by barring and extinguishing all South Australian claims not notified to the South Australian Board in terms of the advertisement. It will be noticed that the Act is strictly limited to ordinary trading claims against the Board and the rights of all certificate holders (whatever these rights may be) are preserved, as also are the rights of any persons who were before April 30 engaged in litigation with the Board. Certificate holders are persons who hold certificates showing that they (or if they have purchased the certificate, the original holders of the certificate) have delivered certain wheat to the South Australian Wheat Harvest Board. A number of progress payments have been made by the Board on these certificates, and if the Pool on being wound up shows a surplus there will be a further small payment

to be made. Certain of these certificate holders have commenced actions against the Government for damages for negligence in dealing with the wheat comprised in their certificates, and it has been held in Weldon *v.* Smith, 1924 A.C., that they can maintain such actions and recover damages if they can prove negligence.

Width of Tires.—Act No. 1580 repeals the existing legislation on the subject of width of tires and substitutes an enactment better adapted for modern traffic conditions.

The pre-existing principal Act was passed in 1867, and an amending Act in 1869. Since then, however, there had been no fresh legislation, and apart from the fact that the principle of the old Act was unsatisfactory and ill-adapted for the purpose of preventing undue wear and tear on roads, its form and language were completely out of harmony with the existing administrative machinery of the State. The principal amendments effected by the Act are as follows:

1. *Maximum Load and Maximum Axle Load.*—With regard to the substance of the new Act, the most important matter is the method of calculating the maximum load which may lawfully be carried on vehicles, by reference to the width of the tires of such vehicles. The old Acts provided that the maximum load was to be calculated on the basis of nine hundredweight avoirdupois for each inch of tire width. No account was taken of the fact that nearly all the weight in any given four-wheeled vehicle might be upon one axle only; nor was any account taken of the size of the wheels of the vehicle. Both these factors are, however, of considerable importance in estimating the wear and tear caused to the road by a vehicle. It is obvious that the loading of a vehicle so as to put nearly all the weight upon one axle would defeat the object of the legislation; and it is the opinion of experts that, other things being equal, the larger the wheel the less is the strain upon the road. The new Act therefore adopts the principle of limiting the axle load in all cases, and differentiating between the load which may be carried on a small wheel and the load which may be carried on a large wheel.

The portions of the Act which deal with the maximum load for vehicles are s. 4 and the Schedule. S. 4 (1) limits the maximum load which may be carried on any vehicle, whatever be the number of its wheels. The maximum load is ascertained by reference to the Schedule. The computation of this load is a fairly simple matter. For every inch of tire-width on any wheel exceeding two feet six inches in diameter a vehicle may carry eight hundredweights; for every inch of tire-width on any wheel of two feet six inches in diameter or less seven hundredweights may be carried. The two wheels on the same axle of any vehicle are deemed both to be of the width of the narrower one, if they are of different widths; and the total width of all tires is calculated to the nearest half-inch.

In addition to this limitation of the maximum load by subsection (1) of s. 4, the maximum axle load is prescribed by subsection (2). In the case of a two-wheeled vehicle the axle load will, of course, be automatically fixed if such vehicle complies with subsection (1), and there is no need for a special provision for this. Subsection (2), therefore, only deals with four-wheeled vehicles. It limits the load which may be carried on any of the axles of a four-wheeled vehicle by providing that each axle shall be treated as a two-wheeled vehicle and shall not have

upon it any load greater than the load which could be carried by a two-wheeled vehicle fitted with wheels of the same diameter as the two wheels turning on such axle. In no case, however, must the load on any axle of a four-wheeled vehicle exceed five tons when the wheels have metal tires, or six tons when the wheels have rubber tires.

The penalty for breach of this section is fixed at a minimum of not less than two shillings and sixpence for every hundredweight in excess of the allowed amount. Provision is made for exempting from the operation of s. 4 heavy machinery which cannot be taken apart without pecuniary loss.

2. *Special Provision for Motor Vehicles.*—In s. 6 special provisions are made limiting the axle load for motor vehicles. The provisions do not apply to passenger vehicles. The reason for this is that the necessity of securing reasonable comfort for passengers demands a width of tire which does not unduly strain the roads. All non-passenger motor vehicles, however, come under the section and must comply with subsection (2), which requires them not to have a greater weight on any axle than six tons and ten hundredweights if the vehicle has metal tires, and eight tons if the vehicle has rubber tires.

3. *Rules with Respect to Metal Tires.*—Two rules with respect to metal tires are enacted by s. 5 in order to ensure that the weight on a tire is evenly distributed over its full width and that no tire so narrow as to be likely to cut the surface of the road is used on any vehicle. These rules are, firstly, that the tire of each wheel of a vehicle shall have an even bearing surface across its full width ; and, secondly, that no tire of any vehicle shall be less than one and a quarter inches in width. These provisions, of course, could not be made to apply to the tires on motor vehicles and do not so apply in the Act.

4. *Weighing of Loads upon Roads.*—In order to make the Act effective there must be power to require vehicles and their loads to be weighed. S. 9 accordingly provides that any member of the Police Force, Local Government Inspector or other authorized officer may require any vehicle to be weighed by any official weighing apparatus or on the nearest official weighing machine ; and if the person in charge of the vehicle refuses to have the vehicle weighed when there is an official weighing machine within one mile of the place where he is at the time of the request, such person is guilty of an offence against the Act.

5. *Ascertainment of Weights by Measurement.*—The provision of the old Act (s. 4) for ascertaining the weight of loads by measurement is retained in the new Act, but in a slightly altered form. Under the old Act every local governing body could make its own rules for ascertaining the weight of a load by measurement. As a result of ss. 10, 11 and 15 of the new Act, there will be regulations made by the Governor and applicable to the whole of the State, prescribing methods of determining the weights of loads by measurement ; and the weights as determined by regulation will be regarded as the actual weights. It will, however, be open to any person in charge of a vehicle to challenge the accuracy of the weight as ascertained by measurement. This he can do by giving notice to the Police Officer or Inspector who measured the load of his intention to have the load weighed on an official weighing machine, and proceeding forthwith to have the load weighed. He must as soon as the load is weighed deliver the document showing the weight to the Police Officer or Inspector. This document would, in

the absence of any fraud, be proof in a court of law that the true weight of the vehicle was as shown therein.

6. *Ascertainment of Tare of Vehicle.*—S. 14 enables a Police Officer or Inspector to check the tare (*i.e.* weight unladen) of any vehicle by compelling the owner to have the vehicle weighed at an official weighbridge, or by means of proper weighing apparatus.

There is, however, no obligation upon the owner to have the vehicle weighed if the nearest official weighbridge or apparatus is more than two miles from the vehicle and the owner can produce a statement showing that the vehicle has already been officially weighed and indicating its weight.

7. *Alteration of Maximum Loads in Certain Areas.*—S. 16 of the Act empowers the Governor in Council, at the request of a District Council, to make regulations applicable only to the area of the particular Council, prescribing other weights than those mentioned in the rest of the Act as the maximum weights which may be carried by vehicles. This is designed to enable local governing bodies to secure greater protection for their roads in the winter months, or during wheat- or salt-carting operations, or whenever special traffic conditions justify such action, and it is not expected that there will be any request made to relax the present requirements of the Act, but rather to make them more stringent. Regulations made under the section may be limited in their application to certain specified roads only.

5. TASMANIA.

(It is hoped to publish the summary of this legislation in the next *Review*.)

6. VICTORIA.

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Third Session of Twenty-seventh Parliament: Acts passed—70.

It may be noted that each annual volume of the *Victorian Statutes* now contains an alphabetical index of Statutes passed by the Victorian Parliament since 1890, and a chronological index from the same date, the latter showing in the case of every Statute how it has been repealed or amended. There was a general index in two volumes issued in 1917 to the consolidation of 1915.

Elections.—The Parliamentary Elections (Women Candidates) Act (No. 3337) amends the Constitution Act (No. 2632) by repealing the word "male" in the section describing the qualification of a candidate, and specifically enacting that women shall not be disqualified from being a candidate for either House of the State Legislature.

This Act was reserved for the Royal Assent on December 22, 1923, and proclaimed on May 12, 1924. It had been thought to have been necessitated by the doctrine of *Chorlton* v. *Lings* (L.R. 4 C.P.), despite the enactment of the Acts Interpretation Act with the Constitution Act in the 1915 Consolidation.

Parliamentary Witnesses.—Act No. 3281 provides that evidence given at the bar of the Legislative Council or Legislative Assembly or before any committee of either the Council or the Assembly or before a joint

Committee of both may be taken upon oath or, in like cases when the Supreme Court would permit, upon affirmation or declaration. The Act confers privilege upon such a witness from actions for defamation in respect of the evidence so given, and places a witness wilfully giving false evidence under the criminal law relating to perjury. The privileges of either House, or of the members or committees of either House, or of the joint committees of the Houses are not affected.

Electoral.—Act No. 3331 reorganizes the law with regard to electors, and the electoral rolls for the Legislative Assembly of Victoria. The first part deals with qualifications for voters and the preparation of rolls, and the second part with the actual conduct of the elections. The new Act was largely necessitated by the decision to combine the machinery and administration for Commonwealth and State electoral procedure. In many instances, therefore, the substance of the Commonwealth Electoral Act 1918–22 has been enacted.

Electors for both Commonwealth and State Legislatures are to be indicated on the same roll. The electoral "districts" of the State are to be divided into "subdivisions." This is to be done by proclamation. The qualification of electors is re-enacted with slight alteration—the disabilities being reduced to conviction for treason, or service of any term of imprisonment greater than one year, or unsoundness of mind. The decisions of electoral offices as to claims for enrolment may be tested in a Court of Petty Sessions.

With regard to elections, polling booths are to be kept open until 8 o'clock, and not 7 o'clock as formerly.

The most important innovation is s. 53, which inaugurates the practice with regard to "s. 53 votes." When a voter who is entitled to vote in a subdivision claims his right, but finds his name not upon the roll, he is entitled to vote. If it appears that his name has been omitted, although he has made a valid claim for registration, or has been struck off in error, the vote is to be admitted. The machinery in this section provides for enclosing the voting paper in a sealed envelope, displaying the claim of the elector. This is forwarded to the electoral registrar, who considers the validity of the claim and returns the vote to the returning officer with his decision. The principle had been previously adopted in the Commonwealth (Commonwealth Electoral Act 1918, s. 121).

The provisions with regard to "postal votes" are altered in some details, in order to attempt to check abuses, which have showed some signs of growing up. This may be indicated by the penalty (not exceeding £100 or three months imprisonment) which has been attached to any contravention of the duties of an "authorized witness."

The list of all applicants for postal ballot-papers is to be posted by the returning officer, and the ballot-papers are to be retained and to remain open to inspection for a period of two years after the election.

No candidate at an election is to act as an authorized witness.

Provision is made for enrolment in any subdivision where the voter has property qualification in addition to enrolment in the subdivision in which he resides. He is only to vote once at each election. This plural enrolment is not compulsory, but ordinary enrolment is.

Public Safety Preservation.—This legislation (Act No. 3292) arose out of the rioting and looting which took place in Melbourne in 1923, after a large number of the police had refused duty.

On the passing of the Act and for a month thereafter, the Governor

in Council was given all the powers conferred on him by the Act, notwithstanding that a proclamation of emergency in accordance with the Act had not been issued and without prejudice to the issue of such a proclamation before or at the end of that period.

When it appears to the Governor in Council that any action has been taken or is immediately threatened by any persons, or body of persons, imperilling the public safety or order, the Governor in Council may, by a proclamation of emergency, declare that a state of emergency exists. Such a proclamation shall be in force for not more than one month, but another may be issued before or at the end of that period.

The powers of the Act are to be received by the Governor in Council, but the proclamation is to be communicated forthwith to Parliament, and if Parliament is separated by such adjournment or prorogation as will not expire within five days, the Governor shall call Parliament to meet on any day not less than two and not more than five days from the date of the proclamation.

Any regulations under the Act shall not continue in force after the expiration of seven days from the time when they are laid before Parliament, unless a resolution is passed by both Houses providing for the continuance thereof.

The Governor in Council may make regulations with respect to (*a*) securing public safety or order; (*b*) conferring powers or imposing duties on responsible Ministers of the Crown, and any officers or persons for securing public safety or order, and in particular without affecting the generality of the provisions with a view to (i) preventing interference with or intimidation, molestation or annoyance, of any persons in the lawful conduct of their affairs or lawful performance of their duties, and to prevent the exposure of any person to insult or disability in relation to his lawful behaviour or the lawful conduct of his affairs or performance of his duties; (ii) controlling sale, supply, or disposal of liquor, etc.; (iii) preventing the doing of any act with the object of or which may have the effect of prejudicing the public safety or order.

Regulations may be made for securing the essentials of life to the community.

But there shall be no industrial conscription by means of the Act, nor shall striking or peacefully persuading others to strike be an offence.

The penalty for offences is £100 or imprisonment for not more than three months or both, and aiders and abettors of an offence shall be deemed to have committed the offence. Recognizances may be taken.

Corporations are made liable for offences against the Act, as if the corporation were a private person, and subjected to the same penalties. Chairmen, members of the governing bodies of, and directors, managers, secretaries or officers of corporations knowingly authorizing or permitting the commission of an offence, shall be deemed to have committed it.

There shall be be no remedy for damage, loss, or injury sustained by reason of the passing of the Act or its operation, save only in respect of reasonable compensation for any property used or taken in pursuance of any powers under the Act. All powers under the Act are to be in aid and not in derogation of any powers exercisable apart from the Act.

Police Pensions.—Act 3316 deals with the retirement, pensions, allowances and gratuities of members of the police force. The ages of compulsory retirement are, for senior constables and constables, fifty-five years; for superintendents, inspectors, sub-inspectors and other

officers and sergeants, sixty years ; for the Chief Commissioner, sixty-five years ; but the Governor in Council may require any such person to serve in the force for a further period or periods not exceeding five years in all. Retirement is also compulsory for any member of the force who has served not less than thirty years, and who, if he is the chief commissioner or a superintendent, inspector, sub-inspector or other officer or sergeant is required by the Governor in Council, or, if he is a senior constable or constable is required by the chief commissioner, to retire on the ground that his retention in the force would not be in the interests of efficiency. Upon such compulsory retirement any member of the force is entitled to a pension for life.

Pensions or gratuities may be paid to members of the force in certain cases of incapacities, and also to widows in certain cases. Allowances and gratuities may also be made to children and dependents. There are provisions for forfeiture.

Rateable deductions at the rate of $2\frac{1}{2}$ per cent. per annum are made from pay, except during any period of probationary service, or where any member of the force is required to serve for any period after the age of compulsory retirement. Sums so deducted are paid into the " Police Pensions' Fund " at the Treasury, into which there is also to be paid in the financial year ending June 30, 1924, the sum of £25,000, and in each subsequent financial year the sum of £50,000 out of the consolidated revenue, all interest on surplus moneys in the fund invested as provided in Victorian Government debentures and all other moneys payable into the fund under the Act or any future Act.

To enable members of the force to consider and bring to the notice of the Chief Commissioner matters affecting their welfare and efficiency other than discipline and promotion, an organization called the " Police Association " may be established, which shall be entirely independent of and unassociated with any body or persons outside the force.

Members of the force are prohibited from becoming members of political or industrial organizations.

Penalties are placed on persons causing disaffection among members of the force or inducing or attempting to induce any member of the force to withhold his services or to commit breaches of discipline.

Enforcement of Judgments.—The procedure of the registration of judgments and awards in the Superior Courts of England, Scotland and Ireland, is that the judgment creditor may apply to the Supreme Court of Victoria at any time within twelve months after the date of the judgment or such longer period as is allowed by the Supreme Court to have the judgment registered in the Court, and the Court then may, if in all the circumstances of the case it thinks it just and convenient that the judgment should be enforced in Victoria, and subject to the provisions of the Act, order registration. Certain judgments cannot be registered. The effect of registration is to place the judgment, as from the date of registration, in the same position as a judgment originally obtained and entered in the Supreme Court on the day of registration. Rules of the Supreme Court are to provide for service, setting aside registration and suspending execution. Where a judgment is obtained in the Supreme Court of Victoria, the Court shall, on application by the judgment creditor, and on proof that the judgment creditor is resident in England, Scotland or Ireland, issue to the judgment creditor a certified copy of the grant.

This Act (No. 3286) has not yet been brought into operation.

Finance.—The Public Account Advances Act (No. 3341), though short, is of considerable importance. It reforms the machinery for the payments out of public moneys in accordance with parliamentary grants. The machinery was in some respects archaic and unwieldy, particularly that regulated by the Trust Funds Acts of 1897 and 1906—and various irregularities had grown up in practice, and attracted the unwelcome annual censure of the Auditor-General.

(1) It is provided generally that no sum is to be issued from the Treasury for any purpose in excess of the parliamentary grant for that specific purpose.

(2) A series of exceptions are then engrafted on to this general provision:

(*a*) Temporary advances may be made where authorized under certain Acts described in a schedule to the Act—the most important of these Acts dealing with Railways, Country Roads, Metropolitan Tramways, State Electricity Supply.

(*b*) Sums up to £1,000,000 in all may be issued for temporary expenditure under certain Acts mentioned in a further schedule, and under Acts which provide for the raising of loan money to cover expenditure. Advances made hereunder must be repaid to the Treasury within nine months.

(*c*) Temporary advances to Government Departments of one month's expenditure may be made and "specific sums for specific purposes when actual expenditure is made." These advances are to be repaid within the financial year (which ends June 30) in which they are made.

(*d*) Sums up to £500,000 may be issued to the Treasurer to meet urgent claims for which parliamentary sanction has not then been obtained. These advances are to be repaid as soon as parliamentary sanction is given. If not paid back within the financial year the Treasurer is to furnish the Auditor-General with written reason for the carrying forward.

(*e*) Certain sums presented in the Act may be advanced for certain purposes similarly described to the Railway Commissioners, the Water Supply Commission and the Inspector-General of Penal Establishments. These sums in all do not exceed £453,000.

(*f*) Advances may be made during one financial year to meet interest on loans due in the succeeding financial year outside Australia. These advances are to be repaid in such following financial year.

(*g*) Advances may be made for payments on account of any other Government, to be repaid as soon as recouped by such Government.

The deficit in each financial year is to be met by an advance—but the Treasurer must introduce a Bill for the issue of Treasury Bonds to cover the whole of the deficit, and until the advance is refunded the same must be shown in the Public Accounts.

Any annual surplus is automatically allocated to the reduction of the Consolidated Revenue deficit, unless Parliament otherwise provides within six months (but see *re* Railways—Sinking Fund Act *infra*).

The Auditor-General is to report to the Committee of Public Accounts any infringement or neglect of the Act.

An annual appropriation from Consolidated Revenue of £25,000 at least is made for reduction of the Deficit Account.

Income-tax.—The Income-tax Assessment Act (No. 3319) amends the existing machinery for Assessment (Acts No. 2668, 2799, 3035, 3090, 3153, 3215). The decision to combine the administration of State and Federal Income-tax Collection involved several legislative alterations. It is made possible to transfer Commonwealth Public Servants to the State service, and to come to any arrangements to effectuate the purpose mentioned above. Many of the provisions of the Commonwealth Income-tax Act, 1922, with regard to assessment, are adopted, with some slight modifications, to facilitate joint administration. The definitions of "Assessable Income" and "Taxable Income" are enacted from this source. The interest on Commonwealth Loans is (after date to be fixed) to become part of Assessable (State) Income. Some difficulty was experienced, since the State was disinclined to adopt *in toto* the Federal terminology, and the Act is the resulting compromise with regard to Assessable and Taxable Income, Income from Sales of Trading Stock, Deductions, and Losses and Outgoings.

Municipal Borrowing.—Act No. 3311 amends s. 33 of the Local Government Act, 1915, which defines the "income," on which certain of the borrowing powers of municipalities are determined, and sets out what is to be deemed income from general rates.

The Act also makes provision for a form of debentures and coupons in cases of loans by single lenders where the loan is to be liquidated by periodical repayments of the principal sum.

Land.—Power is given by Act 3302 to sell township lands to the State Savings Bank Commissioners or Municipalities for housing schemes upon a price to be determined by three appraisers appointed by the Board of Land and Works, and upon such terms and subject to such covenants as the Governor in Council thinks fit. Land so sold is not to be alienated or used, except for the purpose for which granted, and may be resumed by the Crown on repayment of principal moneys, if not used within five years.

To the limit of 4,800 acres of fourth-class land comprised in the mallee country, it is added that such land shall not include township lands.

The Crown may sell to the adjoining holder land serving for a wind-break and abutting on any road.

A trustee within the meaning of the Trusts Act, 1915, unless expressly forbidden by Act of Parliament or the instrument, if any, creating the trust may now invest his trust funds in fresh mortgages by certain selection purchase leases of mallee lands.

The Act also provides for the surrender, if desired, of certain special settlement area, conditional purchase leases for selection purchase leases.

Closer Settlement.—Amending Act No. 3332 sets out the method of determining questions of value in claims for compensation. The Crown may, during a period of one month after the amount of compensation has been adopted by the judge on the report of the appraisers, discontinue resumption. The period during which an estate may be temporarily retained by its owner is reduced from twelve to six months, and generally the period within which lessees may not alienate is reduced from six

to three years. The Act makes a number of other amendments, and power is given to the Board to take the securities of certain liens, stock mortgages, or hire purchase agreements.

Country Roads.—Act No. 3334 grants additional borrowing powers for main and developmental roads and establishes sinking funds.

Wheat Marketing.—Act No. 3338 makes provision for the winding up of matters outstanding in connexion with the administration of the Wheat Marketing Acts and the Wheat Marketing and Transportation Act, 1920. The preamble to the Act recites these Acts and what has been done under them.

Fruit and Vegetables.—Act No. 3288 extends and applies the provisions of s. 33 of the Fruit Act, 1917, to the making of regulations with respect to (i) methods of handling, loading or unloading fruit or vegetables contained in packages for export; and (ii) the protection against and prevention of injury to fruit or vegetables contained in packages for export.

Housing.—The Housing and Reclamation Act (No. 3317) amends the same Act of 1920 (No. 3088) by increasing the total value of the houses which municipalities may erect to £850–£900, giving a power to add to and improve houses after they have been taken over under mortgage by the owner, and providing a power to build on farms to house labourers.

Metropolitan Tramways.—Act No. 3308 enables tramway reserves to be created in streets or roads at least two chains wide. The borrowing powers of the Melbourne and Metropolitan Tramways Board are increased to £3,000,000. The Board is also given power to operate omnibuses to aid or relieve the traffic of tramways, and to operate electric railless trolley omnibuses. The duty of keeping in repair roads or portions of roads on which there are tramways is placed on the municipalities in which the roads or portions of roads lie.

The Act sets out the manner in which tramways included in the general scheme adopted by the Board, but for which the Board has not prepared a special constructional scheme, may be constructed under municipal guarantee.

Metropolitan Drainage and Rivers.—Act No. 3284 adds to the powers and duties of the Melbourne and Metropolitan Board of Works, and vests all main drains and the bed, soil and banks of rivers, creeks and watercourses, or portions thereof within the metropolitan area in the Board, and places them, generally speaking, under the single control of the Board. The Board may make by-laws with respect to the regulation of traffic on roads, etc., and footways forming part of any river improvement works vested in the board; preventing or minimizing the pollution of rivers, creeks or watercourses; the regulation or prohibition of bathing in any river, creek or watercourse; the preservation of good order and decency on the banks; generally the management and control of rivers, etc., and improvement works thereon, and as to traffic on rivers, etc.

The Act contains financial provisions in aid of these powers and duties, and the Board, with the consent of the Governor in Council, may borrow, for the purposes of the Act, such sums as are requisite, not exceeding £500,000.

Railways.—The Railways Sinking Fund Act, No. 3309, provides that the whole surplus railway revenue shall be paid into a sinking fund, until 75 per cent. of the loan liability on the railways is covered, to be used only to redeem loans raised for the railways.

The Railways Classification Board Act, No. 3326, amends the Act of 1919, and defines the powers of the Board in regard to the determination of wages and specifies the duration of awards.

State Savings Bank.—Act No. 3304 amends the State Savings Bank Act, 1915 (No. 2729), by substituting a General Manager and Assistant General Manager for the Inspector-General. Savings bank stock sold under the Act and debentures are relieved of their immunity from income-tax. The provisions as to mortgage banks are repealed *in toto*. The provisions as to withdrawal of bank stock with regard to the notice which must be given are rendered more elaborate.

Friendly Societies.—Act No. 3275 amends the Friendly Societies Act, 1915 (No. 2656), chiefly with regard to inspection of records and statistics. The objects of registered societies are extended from payment of burial expenses on the death of a member to the payment of a sum not exceeding £100 to husband, wife, widow, children or kindred on death.

The maximum weekly payments by societies is increased to 60*s*.

Societies are prohibited from carrying on their business after the cancellation of their registration, and officials and committee men are made guilty of an offence for assisting such continuation.

Minors previously eligible for membership are now made eligible as assistant secretaries or committee men.

The Government Statist is given power to inspect all books and accounts, and examine all members or agents of a society on oath, and obtain full particulars from the society's bank as to its accounts.

Marine.—Act No. 3320, which amends the Marine Act, 1915 (No. 2688), was passed in anticipation of the Commonwealth authorities taking over the administration of pilotage in Port Philip, firstly on behalf of the State of Victoria, and ultimately under the Federal Navigation Act. So far no steps have been taken to effectuate any transfer.

Mining Development.—Act No. 3330 amends a similar Act of 1915 (No. 2752) by abolishing the limitation upon the number of people in respect to a miner who may apply to the Minister for loans.

Nurses' Registration.—Act No. 3307 extends generally the machinery and method of the Midwives Act, 1915 (No. 2773), to all trained nurses, except it does not prohibit the practice of unregistered nurses—merely providing that they shall not claim the title of registration. A Board is established to regulate the certification, examination and continued registration of nurses, with very general power to issue regulations with regard to periods of training, etc.

The Act provides, however, except in transition cases of nurses already wholly or partially trained, that in no case is the period of training to be less than three or more than five years. An annual register is to be published.

Every applicant for registration must be at least twenty-one years of age. When registered each nurse is to receive a certificate, a badge, and the right to wear a distinctive headdress. In addition to a general certificate, special certificates for various branches are recognized. Provision is made for the cancellation and suspension of the registration of nurses.

An annual registration fee of 2*s*. 6*d*. is payable to the Board to be used for the expenses of its administration—but no premiums are chargeable for training at any hospital receiving state aid. All general training hospitals have to be approved by the Board, and these must, as to nursing

staff, be staffed entirely by registered nurses. The Board is also given power to regulate the practice of registered nurses. Two registered nurses and one representative of trainers (but not a trainer) sit on a Board of seven.

Provision is made for registration when the applicant has been registered elsewhere in the British Dominions if this privilege is reciprocally extended to Victorian nurses. The Board must be satisfied as to the qualifications, however.

Inebriates.—Act No. 3305 amends the Inebriates Act, 1915 (No. 2669). It introduces provisions for the issue of interim orders for the custody of inebriates for seven days, pending application to the Court, provided under the principal Act. These orders may be made by the Master in Equity or a police magistrate upon a medical certificate and affidavit.

The Inspector-General of the Insane is given power to discharge any inebriate who is under control.

Provision is made for the appointment by the Governor of any medical practitioner as an Inspector of Inebriates Institutions. The powers of Inspectors are prescribed by regulations under the Inebriates Act.

Lunacy.—Act No. 3293 amends the Lunacy Act, 1915 (No. 2600), by vesting the office and powers of the Master in Lunacy in the Master in Equity. The two offices had been long exercised by the same officer, and the alteration was carried out in consideration for the relatives of returned soldiers, who had become mentally affected during service, but upon whom the stigma of lunacy seemed unjustified.

Marriage.—Act No. 3282 amends the Marriage Act, 1915, and some other divorce legislation.

It is now provided that marriages celebrated by a minister of religion not registered for that purpose shall be treated as valid if the parties *bona fide* believed the celebrant to be qualified. In legal proceedings in which any person is charged with adultery, such person, if not a party, may be given leave to intervene by the Court.

Where divorce is granted on the ground of insanity (see No. 3049, ss. 3 and 4) the Court may now order a petitioning husband to pay monthly or weekly sums for the maintenance of a wife of unsound mind. This amendment followed upon the decision in *Walker* v. *Walker* 1922, V.L.R. 526, in which the co-respondent was held not to have any power under s. 143 of the Marriage Act, 1915 (No. 2691). The difficulty had arisen in England and been met by 7 Edw. VII, c. 12, s. 1 (2). The amounts ordered by the Court may be increased, decreased, suspended or discharged, and the power is made retrospective.

In suits for judicial separation, nullity or divorce, no witness, whether a party or not, is to be compelled to answer any question tending to show his or her adultery, unless they have testified in disproof of the same. During 1921 it had been decided by Cussen J. in *Landells* v. *Landells* (1921, V.L.R. 318) that the immunity of the witness—at any rate of a co-respondent—only arose when he had been ordered to attend by the Court. In *Stanson* v. *Stanson* (1921, V.L.R. 321) Irvine C.J. ruled that a respondent wife not called by the Court enjoyed the traditional immunity. In *Landells* v. *Landells* (sup.) it was also doubted whether the Court could order the attendance of a co-respondent for examination.

The Act now empowers the Court to order the attendance of either petitioner, respondent, co-respondent or other person cited.

It is now made a duty upon the person obtaining a decree *nisi* for dissolution or of nullity to take the necessary steps to have the same completed. Failure to comply may involve committal for contempt, and the duty is placed upon the party's solicitor, whether authorized thereto or not, provided with sufficient funds or not, or still retained or not. This step was rendered necessary by frequent delays after the declaration of the decree *nisi*. The machinery is to be set in motion by the prothonotary on summons to the Court.

University.—Act 3285 nominally amends the principal Act of 1915 (No. 2742), but virtually reconstitutes the organization of the University into a Council of thirty-one members, and Convocation of all graduates.

For working purposes Convocation acts through a Warden and Standing Committee of forty. Statutes and Regulations normally are passed by Council and Standing Committee, though the latter body has only a suspensory veto. The annual permanent grant from the Consolidated Revenue is increased from £9,000 to £45,000. Previously the Government assistance had, of course, exceeded £9,000, but had been variable and dependent upon annual approbation. Conditions with regard to various additional activities are imposed upon the University.

For certain specified purposes a further grant of £8,500 has been made for ten years, and £10,000 has been allocated to a Students' Loan Fund.

7. WESTERN AUSTRALIA.

[*Contributed by* F. L. Stow, Esq., LL.D.]

The third and last session of the Eleventh Parliament of Western Australia opened on July 26, and closed on December 14, 1923.

The volume of legislation passed is the smallest on record, nor can it be said that any of the measures passed is of striking importance.

The number of Acts put through was 38, but very few of these need to be mentioned in this review.

Maintenance Orders.—No. 29 extends the Reciprocal Enforcement of Maintenance Orders Act 1921 to the other Australian States. These States were excluded from that Act because there was already in existence an Act providing for reciprocity as between them in respect of all maintenance orders. It was soon recognized, however, that the Act of 1921, which was an adaptation of recent English legislation, possessed advantages over the earlier Act, and it was consequently decided to give it an interstate operation, without prejudice, nevertheless, to the operation of the prior statute.

Anzac Day.—April 25, the anniversary of the landing of the Australian troops at Gallipoli, is one of the great Australian national days. No. 35 provides for its observance with an almost religious solemnity. On that day hotels are to remain closed as on Sundays, and no race-meetings are to be held.

Change of Names.—The liberty to change one's name at will, untrammelled by the compulsory observance of any formalities, has been modified by this measure (No. 40), which provides that it shall be unlawful for any person to change his name except by deed poll executed and registered by him in the public office of the Registrar of Deeds and Transfers in Perth, or by licence in writing of the Attorney-General registered in the said public office.

Factories and Shops.—This amendment (No. 41) applies to factories where white lead, red lead, litharge, or other compounds of lead or mercurial or arsenical preparations are manufactured or produced, and provides that in such factories:

(*a*) Suitable washing and bathing conveniences shall be provided by the occupier for the use of the employees;

(*b*) The occupier shall not allow any employee to take a meal in any room in which such substance is used, and suitable provision shall be made by the occupier for enabling the employees to take their meals elsewhere than in the factory;

(*c*) And if the roasting, conversion, manufacture, production, or treatment of lead or arsenical ore by any process is carried on, masks and rubber gloves shall be provided by the occupier for use by the employees, and shall be kept efficient.

The occupier of any factory is required, under this Act, to send notice to the nearest inspector whenever it comes to his knowledge that any employee in the factory is suffering from lead or arsenical poisoning.

The Act confers on the Governor extensive powers of making regulations for the protection of factory employees from the dangers of poisoning in factories where lead, arsenic, or other poisonous substances are used.

Friendly Societies.—This measure (No. 48) enables friendly societies to include amongst their objects:

(*a*) The endowment of members or nominees of members at any age;

(*b*) The guaranteeing of the performance of their duties by officers or servants of the society or any branch thereof.

Limitations are placed on the operations of societies by two provisos which forbid the registration of any society which contracts with any person for:

(*a*) The payment in any contingency of a periodical payment exceeding 60*s.* a week;

(*b*) The assurance of a gross sum exceeding £300.

Societies are empowered to provide by their rules for the admission as members of persons under the age of twenty-one years or from birth.

The Act provides for various other amendments in the law relating to friendly societies, but the only one that calls for notice is that relating to the limitation of the amounts which may be paid on the death of children under the age of ten years. This provision is adapted from a statute of the Commonwealth of Australia (No. 12 of 1905), and prohibits any society or branch undertaking to pay or paying on the death of a child (whether a member thereof or not) of any age under ten years any sum of money which, added to any amount payable by any other society or branch, or by any life assurance company, exceeds the amount set out in the following scale.

Amount payable in case of death of child between ages: Birth and one year, £5; one year and two years, £6; two years and three years, £7; three years and four years, £8; four years and five years, £9; five years and six years, £10; six years and seven years, £28; seven years and eight years, £35; eight years and nine years, £40; nine years and ten years, £45.

No payment may be made on the death of such a child, except on production of a special certificate of death (containing a reference to the

particular payment to be made on production thereof), and the Registrar of Deaths is forbidden to give any one or more of such certificates on the death of a child under ten for payment in the whole of any sum of money exceeding the amount which may be paid on the death of such child, having regard not only to any certificate previously issued in respect of moneys payable by a society or branch, but also to any certificate previously issued in respect of moneys paid by a life assurance company.

Women's Legal Status.—No. 56 enacts that a person shall not be disqualified by sex from the exercise of any public function, or from being appointed to or holding any civil or judicial office or post, or from being admitted and entitled to practise as a legal practitioner, or from entering or assuming or carrying on any other profession.

8. NEW ZEALAND.

[*Contributed by* J. CHRISTIE, ESQ., LL.M., *Parliamentary Law Draftsman.*]

Acts passed: Public and General—46; Local and Personal—13; Private Acts—2.

Insurance Companies.—By the Insurance Companies' Deposits Act, 1921,[1] companies carrying on insurance business were required to make deposits of money by way of security, for the protection of policy-holders and other claimants, the deposits being invested in the Common Fund of the Public Trust Office, and the depositors being entitled to receive the Common Fund rate of interest thereon. The 1923 amendment (No. 3) provides that the income derived from these deposits shall be separately assessed for income-tax, thus avoiding payment of income-tax in respect of such income at the graduated rate appropriate to the total taxable income of the depositor.

Rent Restriction.—Under the Rent Restriction Continuance Act (No. 4) the existing rent restriction legislation is continued in force, without alteration, until July 31, 1924, when (unless in the meantime it is further continued) it is to be deemed to be repealed.

State Advances.—The State Advances Act, 1913,[2] consolidated the then existing provisions establishing a system of Government loans to "settlers" and "workers" as therein defined. The original scheme was established in 1894, and is acknowledged to be an unqualified success. The present amendment (No. 5) extends the scope of the 1913 Act, with regard both to "settlers" and to "workers." In the case of "settlers" the maximum amount that may be advanced to any one borrower is increased from £2,000 to £3,500 and the scheme, as so extended, has been availed of by mortgagors for the repayment of their mortgages in anticipation of the termination of the "moratorium." In the case of "workers" the object of the scheme is to provide homes. The term "worker" has been limited to apply only to persons whose annual income does not exceed £300 increased by £25 for every child or other person dependent on the applicant. By the Act now under consideration the maximum amount of any loan is fixed by reference to the *cost* of a dwelling, rather than to its actual value, and authority is given to make advances up to 95 per cent. of the joint cost of the dwelling and its site.

[1] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. ii, p. 115.
[2] *Ibid.*, New Series, vol. xv, pt. i, p. 70.

Since the Act was passed (August 1923 to February 1924) loans aggregating over £1,150,000 have been granted to workers for the erection or purchase of dwellings.

Speaking generally, the scheme is primarily intended to promote the *building* of houses; though the scheme extends to cover the purchase of dwellings, the grant of loans for this purpose is, in practice, more or less exceptional.

The new scheme effectively supersedes the former scheme embodied in the Housing Act, 1919.[1]

Aliens.—By the Registration of Aliens Suspension Act (No. 7) the Registration of Aliens Act, 1917, is suspended, but may, if circumstances should so require, be again brought into operation by the Governor-General by Proclamation.

Immigration.—The Immigration Restriction Amendment Act (No. 11) abolishes the requirement that British subjects entering New Zealand must first take the Oath of Allegiance. It also makes provision that all persons entering New Zealand shall make a declaration, in a form to be prescribed, as to nationality and other matters. This latter provision is not new, but is substantially the same as a provision originally appearing in the Undesirable Immigrants Exclusion Act, 1919.[2]

War Pensions.—No 13 makes several important amendments of the law relating to war pensions. The most important alteration is in the provision for the grant of an "economic" pension (that is, a supplementary pension granted pursuant to the Act on economic grounds, and being in addition to any pension payable as of right in respect of the death or disablement of a member of the Forces). In considering an application for an economic pension, the War Pensions Board is empowered, to such extent as in any case it thinks proper and equitable, to take into consideration: the ability of the applicant to obtain and to *retain* suitable employment; the personal earnings and other income of the applicant (if any); any property of the applicant; the cost of living; and such other factors of economic significance as the Board considers relevant. In the case of a member of the Forces the maximum economic pension is 30*s*. a week. Where a member of the Forces is granted an economic pension his wife and children, if any, may be granted ordinary pensions as for his total disablement. Provision is also made for the grant of economic pensions to the widow and children of a deceased member of the Forces, and to the widowed mother of any such member.

In the administration of the legislation as to war pensions, the principal ground of dissatisfaction on the part of claimants has been the determination by the Board that the disabilities suffered by certain claimants (or by the persons through whom they claim) had not arisen or had not been aggravated by war service. The general attitude of the Board in this respect, while within the language of the Act, has not been in accordance with the intentions of the Legislature or the wishes of the Government. It has been freely acknowledged that generous treatment should be accorded, and that in all cases where an element of doubt as to the origin or history of any disability exists, that doubt should be resolved in favour of the soldier or those claiming through him. The new Act, therefore, directs that the War Pensions Board and the War

[1] See *Journal of Comparative Legislation*, Third Series, vol. iii, pt. ii, p. 95.
[2] *Ibid.*, vol. iii, pt. ii, p. 97.

Pensions Appeal Board (which is reconstituted) shall, in such cases, be governed by the following rules:

(1) If death or disablement has occurred within seven years after the date of discharge of the member of the Forces, and if reasonable evidence is produced to the Board that the physical or mental condition which has resulted in such death or disablement has *probably* been caused or aggravated by employment as a member of the Forces, there shall thereby be established a presumption that such condition was, in fact, so caused or aggravated.

(2) Such presumption may be rebutted by evidence that satisfies the Board that the condition was not in fact caused or aggravated by such employment, but was due entirely to other causes.

Discharged Soldiers Settlement.—No. 14 provides for a revaluation, on application in that behalf being made by the tenants, of lands occupied by discharged soldiers under the scheme of settlement provided for by the Discharged Soldiers' Settlement Act, 1915, and its amendments.

Under that scheme, areas of ordinary Crown land, and lands acquired by the Crown for the purpose under the Land for Settlements Acts, were set apart for special settlement by discharged soldiers. The Government also afforded financial assistance, by way of loan, to men who desired to acquire suitable lands by private purchase. In many cases lands were bought by the Government, and by private purchase, when the prices being received for primary produce were abnormally high and land values were correspondingly inflated, with the result that, when financial depression followed in 1921–2, many of the soldier settlers suffered heavy losses, and found themselves burdened by higher rents and interest charges than their lands could sustain.

The amending Act establishes a Dominion Revaluation Board with power, after valuation, to reduce rents (in the case of Crown tenants), and to reduce the capital amount of outstanding mortgages to His Majesty (in the case of freehold occupiers). In the case of land subject to mortgages, other than mortgages to His Majesty, the Board is specifically authorized to negotiate with the mortgagee, with a view to the voluntary reduction of his mortgage, and may, on behalf of the Crown, buy up any such mortgage. Save in special cases, a mortgage to the Crown is not to be reduced, while any other mortgages remain charged on the land. In addition to relief by way of reduction of rent or mortgages, the Board has power either to postpone or to remit payment of any rent or interest accrued before the commencement of the Act. When the Act was passed it was estimated that the gross capital value of the lands affected would, on revaluation, be reduced by approximately £2,000,000.

Customs.—No. 15 amends the provisions of the Customs Amendment Act, 1921–2, with reference to the special duty chargeable on goods imported from countries having depreciated currencies. The imposition of depreciated currency duty has created some difficult administrative problems, and the present amendment is with a view to securing more elasticity in administration. Authority is conferred on the Governor-General in Council to fix the rates of depreciated currency duty, but not so as to exceed (in cases where the depreciation exceeds 90 per cent.) a certain prescribed maximum,[1] and also to fix different rates of such

[1] Where the depreciation exceeds 90 per cent. absolute power to fix the rate of duty is conferred on the Governor-General by the 1922 Act.

special duty in respect of different classes of goods imported at the same time from the same country. The present Act also alters, in certain minor particulars, the details of the tariff fixed by the Act of 1921–2.[1] Although by that Act wide authority is conferred on the Governor-General to alter the Tariff by Order-in-Council, that authority is in practice treated as exceptional, and to be exercised only in urgent cases. Any proposed amendment of the Tariff for which urgency cannot be legitimately claimed is accordingly reserved for Parliament.

Amusements-tax.—The imposition of amusements-tax was primarily a war measure. The present tendency of the Legislature is to revert to the older established methods of taxation and to rely less on what may be regarded as emergency sources of revenue. Pursuant to this tendency, the present amendment (No. 16) exempts from amusement-tax admission charges not exceeding 1*s.* The former exemption was limited to charges not exceeding 9*d.*

Death Duties.—No. 19 extends the classes of gifts which are exempt from gift duty. The following classes of gifts are now exempt from such duty:

(1) Gifts creating or in aid of charitable trusts.

(2) Contributions by employers to funds to provide pensions or superannuation allowances for the benefit of their employees.

(3) Payments by employers by way of bonus or gift to retiring employees. This exemption is subject to certain exceptions to prevent duty-free gifts being made as between persons connected by ties of blood or marriage.

(4) The discharge of a debt, if the debtor is not connected by ties of blood or marriage with the donor or (where the donor is a private company) with any director of that company.

(5) The discharge of a mortgage debt in certain exceptional cases.

Land and Income-tax.—No. 21 is a consolidation of the Land and Income-tax Act, 1916, and its several amendments. The most important alteration of general interest effected by the new Act is the exemption from income-tax of income derived from the direct use or cultivation of land. This provision restores an exemption formerly enjoyed by farmers (who, speaking generally, pay land-tax), the removal of the original exemption having been effected in 1915, when new sources of revenue were being explored for war purposes.

The Land and Income-tax (Annual) Act (No. 25), fixes rates of land-tax and income-tax for the financial year, 1923–4. Considerable reductions in the rates of taxation have been made.

Western Samoa.—The Samoa Amendment Act (No. 24) provides, amongst other things, for a partially elective Legislative Council. The principal Act (1921, No. 16), continuing in that respect the provisions of the Constitution Order for Western Samoa, made provision for a wholly nominated Council. For the purposes of the Legislative Council, the Governor-General is empowered to make regulations prescribing the number and mode of election of members, the qualification of electors, the qualification of candidates for election, the tenure of office of members, and the forfeiture of office. The amending Act also gives statutory recognition to an established local organization of Samoan chiefs who, by the name of the *Fono* of *Faipules*, constitute a Council of Advisers to the Administrator in respect of matters particularly

[1] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. ii, p. 110.

affecting the welfare of the Samoan people. The Act also substantially increases the penalties for offences in connexion with the unlawful manufacture, importation or sale of intoxicating liquors in Western Samoa.

Stamp Duties.—No. 26 repeals and re-enacts with certain alterations the Stamp Duties Act, 1922, which was never in operation. The principal alterations made in the new measure relate to matters of policy, mainly in the direction of restoring certain exemptions which were taken away by the 1922 Act, and partly by way of relaxation of some of the more drastic penal provisions.

Dairy Produce Export.—The Dairy Produce Export Control Act (No. 28) is on the lines of the Meat Export Control Act, 1921–2,[1] save that the commencement of its operation was contingent on the result of a poll of the producers of dairy produce. The poll was duly taken, and the Act was brought into operation by Proclamation on November 3, 1923. Adopting, with modification, the machinery provisions of the Meat Export Control Act, the Act establishes a Board consisting of two Government representatives and nine other persons to be appointed by the Governor-General as representatives of persons engaged in the production of butter and cheese for export. One additional member may, in the discretion of the Government, be appointed to represent other interests. The Board may assume either absolute or partial control of butter and cheese intended for export from New Zealand, the degree of control being at the discretion of the Board. All produce over which the Board has assumed absolute control is required to be graded and shipped as the Board directs, and may be sold only by direction of the Board at such times, and in such manner, and on such terms as the Board in its discretion determines. On all dairy produce exported from New Zealand (whether controlled by the Board or not) a levy is to be made, to be paid into the Consolidated Fund, and applied in defraying the expenses of the Board. Without limiting the powers of the Board, express authority is conferred on it with respect to (*a*) the grading, handling, pooling and storage of dairy produce; (*b*) the shipment of dairy produce; (*c*) its sale and disposal on such terms as the Board thinks advisable; (*d*) its insurance against loss; (*e*) generally in respect of all matters necessary for the due discharge of the Board's functions in the handling, distributing and disposal of dairy produce.

The accounts of the Board are subject to audit by the Government Audit Office in the same manner as if they were public moneys.

As between the Board and the owners of dairy produce handled by it, the Board is deemed to be the agent of the owners and the mutual rights, obligations and liabilities of the Board and the several owners are determinable accordingly, save that the power of the Board to exercise (without the authority of the owner) any power expressly or by implication conferred on the Board by the Act cannot be limited by the owner.

Board of Trade.—No. 34 vests in the Minister of Industries and Commerce the powers conferred on the Board of Trade by the Board of Trade Act, 1919.[2] The Amendment further provides for the appointment of an Advisory Board of five members to assist the Minister in the exercise of his powers under the Act.

[1] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. ii, p. 122.
[2] *Ibid.*, vol. iii, pt. ii, p. 90.

Judicature.—No. 36 makes provision for the appointment of an additional Judge of the Supreme Court (which now consists of the Chief Justice and eight other judges). Pursuant to this authority, Mr. W. C. MacGregor, K.C. (who filled the office of Solicitor-General in succession to Sir John Salmond), has been appointed. The Act also places certain restrictions upon the appointment of temporary judges; it provides that the power to appoint a temporary judge shall not be exercised, save on the certificate of the Chief Justice, and of not less than three other permanent judges to the effect that in their opinion it is necessary for the due conduct of the business of the Court that one or more additional judges should be temporarily appointed.

Justices of the Peace.—No. 38 makes provision, *inter alia*, with respect to the offence of stealing electricity, and for that purpose adapts the provisions of s. 23 of 45 & 46 Vict. c. 56 (Imperial).

University.—The New Zealand University Amendment Act (No. 39) empowers the Senate of the New Zealand University to confer on qualified persons the degree of Doctor of Philosophy.

Harbours.—No. 40 is a consolidation without substantial amendment (save in matters of detail) of the Harbours Act, 1908, and its amendments.

Apprentices.—No. 41 confers jurisdiction on the Court of Arbitration with respect to contracts of apprenticeship in industries to which the Industrial Conciliation and Arbitration Act, 1908, applies. Amongst other things the Court has power to require any employer to employ and to continue to employ such number of apprentices as the Court may consider necessary to ensure an adequate supply of journeymen to maintain the efficiency of the industry; to cancel contracts of apprenticeship; to order the transfer of apprentices from one employer to another; to fix periods of probation; to order the attendance of apprentices at the technical schools; and to determine the number of apprentices in proportion to the number of journeymen that may be employed by any employer. The powers of the Court under the Act may be delegated to an Apprenticeship Committee, representative of employers and workers.

The Court is also empowered to require the head teachers of public schools to furnish to the parent or guardian of any child on leaving school:

(1) A report as to the child's standard of education at the time of leaving school;

(2) A statement of his attainments and of any subject or subjects in which he has shown aptitude; and

(3) Any other matters that may be deemed relevant to the future employment and training of the child.

Hospitals and Charitable Institutions.—No. 44 provides a new scheme for the payment of subsidies to Hospital Boards in respect of their "maintenance" expenditure. The scheme provides for payment out of the Consolidated Fund of one half of the aggregate maintenance expenditure of all Hospital Boards throughout the Dominion, the residue being met in the case of each Board by means of a levy made by the Board on the several contributory local authorities (boroughs and counties) within the hospital district. The total amount so to be paid out of the Consolidated Fund is to be distributed among the Boards in accordance with their several necessities, save that no Board is to receive by way of subsidy in any year less than $\frac{14}{34}$ or more than $\frac{26}{46}$ of its maintenance expenditure.

British Nationality.—The British Nationality and Status of Aliens (in New Zealand) Act (No. 46) did not come into operation when passed by the General Assembly, but was reserved for the signification of His Majesty's pleasure thereon.

The Act is important because of its departure from the policy expressed in the British Nationality and Status of Aliens Acts 1914 to 1922 (Imperial). Certain provisions of those Acts (namely, ss. 1, 10 to 18 inclusive, 25 and 27) are by the New Zealand Act expressly declared to be part of the law of New Zealand. The question as to how far the provisions in question apply in New Zealand without such express declaration is not adverted to. The Act further expressly declares that, save as aforesaid, the Imperial Acts shall not be deemed to be in force in New Zealand, and that "Acquisition by any person of the status of a British subject by naturalization granted in the United Kingdom or in any of the dominions, colonies, possessions or territories of His Majesty other than New Zealand, shall not be deemed to have conferred, and shall not confer upon such person, the status of a British subject in New Zealand."

Inter alia, the Act provides for:

(1) The issue by the Minister of Internal Affairs [1] of certificates of naturalization on application by approved alien friends who have complied with the prescribed conditions as to residence, etc. Any person to whom such a certificate of naturalization is issued becomes entitled *in New Zealand* to political and other rights, and to all intents and purposes *has in New Zealand* the status of a natural-born British subject.

(2) The naturalization of minors, with provision for declarations of alienage on attaining full age.

(3) The revocation of certificates in certain circumstances. This provision supersedes the Revocation of Naturalization Act, 1917 (which is accordingly repealed).

The Act is expressly applied to Cook Islands and to Western Samoa, save that in the case of aliens resident in those places certificates of naturalization can be issued only by the Governor-General.

9. PAPUA.

[*Contributed by the* Hon. Mr. Justice Herbert.]

Fifteen Ordinances were passed during 1923, of which two, relating to mining for mineral oil and coal, were reserved for the Governor-General's pleasure. Of the remainder, several were of a formal nature or contained minor amendments of existing Ordinances, and are not referred to here.

Customs (Export) Tariff.—The effect of No. 5 is to continue until January 1, 1924, the export duty on copra at fifteen shillings per ton, and after that date to reimpose the duty of twenty-five shillings per ton.

Pearl Fishery.—No. 7 amends the Pearl, Pearl-shell and Bêche-de-mer Ordinance 1911–18, and invests Commissioned Officers of the Naval Forces of the Commonwealth with the powers of an inspector under that Ordinance.

Firms Registration.—No. 8 requires all firms (as defined in the

[1] Under the system heretofore in force, letters of naturalization were issued only by the Governor-General.

Ordinance) to be registered. Changes in the firm-name, in the members of the firm as originally constituted, and in the place of business, must also be registered, and the dissolution of a registered firm must be notified to the Registrar. The firm-name must always be used in all matters connected with the business of the firm. Actions, by firms who have not complied with the Ordinance, may be stayed pending compliance.

Dangerous Drugs.—No. 10 defines Dangerous Drugs (including opium, morphine, cocaine and heroine, and certain salts, etc., etc.). The importation, exportation, making or sale of raw or prepared opium is prohibited. The making and exportation of dangerous drugs is prohibited. Their importation is prohibited unless under a licence by the Treasurer. Such a licence is granted subject to the condition that the drugs are imported for medicinal purposes only. The licence is issued only to a qualified medical practitioner or to some proved fit and proper person. Before a licence is issued the applicant must give security that all importations will be disposed of for medicinal purposes, and a record will be kept of the manner and to whom the drugs shall be disposed of. The penalties are various, and in some cases severe.

Companies.—No. 14 verbally amends the Companies Ordinance, 1912. The affect of the amendment is to permit No-liability Companies to mine for coal, from which they were debarred by the principal Ordinance.

10. FIJI.

[*Contributed by* Sir A. K. Young, *Chief Justice.*]

During the year 1923 twenty-five Ordinances were passed; the principal of these were:

Explosives.—No. 5 regulates the sale, purchase and possession of explosives. The Ordinance defines the term "explosive." "Permits" to sell, purchase or possess are required. Sale books are required to be kept, which are subject to inspection by the proper authority.

Business Names.—No. 8 provides for the registration of Business Names. The Ordinance prescribes the method of effecting registration.

Defence Force.—No. 13 provides for the maintenance of a Defence Force.

The strength of the force is to be determined from time to time by the Governor; cadet units are to be attached to the force, but a cadet member is not a "member" of the force.

Uniform and equipment are supplied and maintained at the public expense.

British subjects of European descent, or one of whose parents is of European descent, between the ages of eighteen and twenty-two are liable to compulsory service in the force for a period of three years, and a further period of three years in the Reserve. The Ordinance also provides for active service under military law in cases of invasion or internal emergency. Compulsory drills are appointed.

Holidays.—The Holidays Ordinance (No. 14) provides that in cases where certain public or bank holidays fall on any day of the week other than Monday, the following Monday shall be observed as a holiday.

Fire Brigade.—No. 15 provides for the establishment of a Fire Brigade in the municipality of Suva.

A board of three is constituted for the purposes of the Ordinance the Mayor of Suva to be president thereof, and one member appointed by the Governor and the remaining member to be elected by the local fire insurance companies. The term of office expires at the end of two years, subject to reappointment or re-election. All property is vested in the board. The duties of the board are defined: subject to its being indemnified should loss occur due to neglect on its part. No charge is to be made for attending fires within the prescribed area. The board may pay the premiums due on policies of members of the Fire Brigade insured against accidents. The necessary powers to facilitate operations are conferred upon the Officer-in-charge at a fire. The board is financed one-third by general revenue, one-third by the municipality and one-third by the local insurance companies. Provisions are prescribed for ascertaining the proportion each insurance company should contribute.

Residential Tax.—No. 16 provides for the imposition and collection of a residential tax. The tax is not to exceed £1 per head per annum for every male (with certain exceptions) between eighteen and sixty years of age. Power is taken to grant exemptions either in whole or in part to any person or class of persons. Persons are required to register themselves for the purposes of the Ordinance. The provisions of the Ordinance do not apply to either Fijians or Rotumans.

Aliens.—No. 17 controls the immigration of aliens into the Colony. Aliens are prohibited landing in the Colony without the permission of the proper authority, unless in possession of a passport duly issued or viséd by the proper British Authority. Masters and owners of ships are made liable for the unlawful landing of an alien. The onus of proving nationality is on the defendant in any proceedings for an offence under the Ordinance.

Revised Laws of the Colony.—No. 18 provides for the publication of a revised edition of the laws of the Colony. It contains the provisions usual in such legislation.

Birds, Game and Fish.—No. 20 provides for the protection of birds, game and fish. Schedule A to the Ordinance contains a list of "protected birds." Penalties are provided for offences relating to protected birds. Schedule B contains a list of birds and animals which come within the meaning of the word "game."

Schedule C prescribes "close seasons" for particular kinds of game; a licence is required to kill game.

Schedule E specifies Reserved Game Areas. Power is taken to make regulations for the preservation of fish, and the use of dynamite or other explosive, or of any noxious substance, for the purpose of taking or killing fish is prohibited. Offences against the provisions of the Ordinance committed at sea are deemed to have been committed on the adjacent sea-coast.

Export Duties.—Four of the remaining Ordinances relate to the revision of export duties on copra, bananas, trocas shell and bêche-de-mer and the removal of export duty on sugar and molasses.

Import Duties.—Two other Ordinances impose a Customs import duty of £4 per ton on rice the produce of the British Empire, or, if otherwise, £6 per ton, and 4*d.* per lb. on butter, the produce of the British Empire, or, if otherwise, 8*d.* per lb. Local industries are thereby protected.

11. WESTERN PACIFIC.

[*Contributed by* Sir A. K. Young, Chief Judicial Commissioner.]

(i) Gilbert and Ellice Islands.

During the year 1923 seven Ordinances were passed and brought into operation in the Gilbert and Ellice Islands Colony, and include:

Taxation of Landowners.—The Landowners Taxation Ordinance (No. 1) empowers the Resident Commissioner to impose, before the commencement of any financial year, a tax payable in copra, with further power to impose a special tax also payable in copra: such last-mentioned tax is to be earmarked for an object beneficial to the Colony. The Ordinance is to have effect after being approved by the Native Governments. The schedule to the Ordinance contains rules prescribing the mode of collection of the copra tax.

Import Duties.—No. 3 repeals Ordinances Number 6 and 11 of 1916 relating to Import Duties, a revised schedule being brought into force by proclamation pursuant to s. 68 of the Gilbert and Ellice (Customs) Regulation No. 2 of 1912.

Employers' Control.—No. 5 relates to the control of persons employed under civil contract for the performance of manual labour on Ocean Island.

The Schedule to the Ordinance contains a set of regulations employees are required to observe—small pecuniary penalties are provided on failure to comply therewith. Imprisonment not exceeding fourteen days is authorized in default of payment in cases where it is proved to the satisfaction of the Court that the offender is able to pay, either immediately, or, if given a reasonable time for so doing, wilfully makes default.

(ii) Solomon Islands.

During the year 1923 nine laws, styled King's Regulations, were made under the Pacific-Order-in-Council, 1893, and include:

Light and Harbour Dues.—No. 2 empowers the High Commissioner to proclaim Harbours, and to impose light and other dues in respect of any vessel entering or leaving any such harbour. Power is taken to require owners of vessels, etc., causing obstruction to navigation in any harbour to remove the same.

Ships of war and such other vessels as the High Commissioner may prescribe are exempt from the provisions of the Regulation.

Registration of Dogs.—No. 5 provides for the registration of dogs in such districts as may be appointed, and authorizes the destruction or sale of an unregistered dog. The chief of a native town is allowed to have two dogs registered in his name without payment of any registration fee.

Penalties are provided for not muzzling dogs known to be dangerous, and for dogs attacking any person or animal on any public road or place.

Dogs injuring or worrying sheep or cattle may be destroyed—the owner of the dog being liable in damages for any injury done—proof of scienter is not necessary.

Labour.—No. 7 amends the Solomons Labour Regulation, 1921, in three important respects, namely:

1. Advances which are colloquially known as "Beach Payments" are prohibited. These payments were made to a native or his relatives or friends, either in kind or in money, with the object of inducing him or either of them to enter into a labour contract.

2. Vessels engaged in recruiting labour are prohibited from trading.

3. A minimum of wages is fixed at £1 per month.

Further, the amending regulations contain provisions relating to the employment of female and child labour, and for the licensing of recruiting vessels.

Land Claims.—No. 8 provides the machinery for the giving effect to the recommendations of a Commission of Inquiry into land claims in the British Solomon Islands, including native rights of way and other interests in land.

A "recommendation" is to become binding on all parties, if confirmed by the Secretary of State for the Colonies, and a notification of such confirmation has been gazetted.

In practice the "Recommendations" are published, so as to enable objections to be taken before submission to the Secretary of State.

Power is taken for the calling in, cancellation and rectification of documents of title.

Licences.—No. 9 consolidates the fees payable in respect of store—liquor, firearms—trading and recruiting of labour vessel licences.

Customs Dues.—A revised Customs Tariff proclaimed pursuant to the Solomons Customs Regulations, 1907, was brought into force during the year.

IV. SOUTH AFRICA.

1. UNION OF SOUTH AFRICA.

[*Contributed by* E. L. MATTHEWS, ESQ., K.C., C.M.G.]

Acts passed—37.

DURING the session of 1923, except for an adjournment for ten days at Easter, the members sat continuously from January 17 to June 25. Of the thirty-seven measures which were placed upon the statute book as the result of members' deliberations during that period, twelve immediately concerned finance. This number was not in proportion to the time spent upon them, for eight of these Acts contained only formal provisions for appropriations of revenue; two were renewals or amendments of existing taxation measures, and the other two were Acts which have for many years become annual, and deal respectively with special pensions, and with special provisions as to matters involving charges upon the public revenues.

Some further progress was made with the work of the consolidation and co-ordination of the laws of the late colonies—a matter to which reference has often been made in previous reviews. But only five measures falling within this category were, when the session ended, at a stage to receive the Royal Assent, there being left over for further consideration in a subsequent session (1) such a hardy annual as the consolidating Bill relating to the registration of medical practitioners,

dentists and druggists ; (2) a consolidating Bill relating to prospecting and mining for precious stones ; and (3) the long overdue consolidating Companies Bill. All these three measures were, however, subjected to the closest scrutiny in Select Committees (where the protracted labours of members are not before the public eye), and there should, therefore, be no difficulty in their passing into law during the session of 1924. The existence or continuance of difficult economic conditions was responsible for five enactments, while some useful bills of a miscellaneous nature also became law. To these more particular reference will presently be made. The most interesting of the last-mentioned class are the Adoption of Children Act and the Women Legal Practitioners Act, both introduced and carried through by private members. A few measures amending existing administrative Acts complete the list.

Births, Marriages and Deaths Registration.—No. 17 is a consolidating measure. Chapter I deals entirely with the administration of the Act, and enables the Government to appoint, in respect of each Province, a registrar of births, marriages and deaths, and, for each magisterial district of the Union or for any other prescribed area, district registrars and assistant district registrars. Each provincial registrar is to be the custodian of notices and registers of births and deaths, and of all such returns as are required by regulation made under the Act to be rendered to him by district registrars or required under any other law to be rendered by marriage officers. The duties of the registrars, district registrars and assistants are for the most part set out in Chapter II of the Act. They may be summarized as follows : Every district registrar and assistant district registrar is to inform himself, as far as possible, of any birth or death which occurs in his district, and every district registrar is to keep the birth register and the death register. Provision is made imposing duties on various persons occupying premises where a birth or death takes place, or present at a birth or death, of giving notice thereof to the district registrar. The primary duty is imposed on the father in the case of the birth of a child. A distinction is drawn in the Act between notices of births in urban areas and non-urban areas, the prescribed maximum period in urban areas being seven days, and, in the non-urban areas, thirty days. In the case of a death in an urban area, the primary duty of giving notice is thrown on every adult relative present at the death, or in attendance during the deceased's last illness or at his dwelling. Until such notice is given, and, in any case where a medical practitioner has been in attendance, until a medical certificate is given, the district registrar will not issue an order authorizing the burial of the body. If no medical practitioner has been so in attendance and the district registrar is not satisfied that the death was due to natural causes, he will report the facts, as known to him, to a magistrate with a view to an inquest being held. Circumstances are recognized which will dispense with the necessity of a burial order, *e.g.* cases of deaths from infectious diseases or danger to public health, where the local authority by the public health laws may order burial ; also unforeseen circumstances which prevent the obtaining of a burial order. Burial orders are, of course, not required in respect of deaths in non-urban areas ; but, in this respect, the provisions as to registration of deaths in such area are similar to those for urban areas, except that the time for notification is extended to thirty days. In the case of still-born children, information

must be given by the medical practitioner in attendance, if there was such a person, or, if one was not in attendance, then by a registered midwife, or, if no such person was in attendance, there must be a solemn declaration, made within twenty-four hours of the still-birth, by the father, mother or other person in occupation of the premises where the still-birth occurred. Special provisions are enacted as to the registration of the births of illegitimate children, and the registration of children born illegitimate, but legitimated by the subsequent marriage of the parents. By the first-mentioned provision the name of any person as father of the child is not to be entered in the register except at the joint request of the mother and of the person who acknowledges himself in writing to be the father. Such an acknowledgment is embodied in the register. The other provision is that, if the parents could lawfully have married each other at the date of the child's birth, and have thereafter married, the child may be registered as if it had been born in wedlock.

A new provision, as to the registration of the death of a person on military service, appears in the Act. If a person ordinarily resident in any province is enrolled for military service, either within or outside the Union, the military authorities must furnish to the provincial registrar such particulars as will enable such person's death, if it occurs while on military service, to be registered in such province.

The provisions as to notification and registration of births and deaths in non-urban areas do not apply to natives, except that any native who so desires may avail himself of the facilities for registration which the Act offers. The Government is empowered by regulation to make special provision for the notification and registration of the births and deaths of natives in non-urban areas, and may apply any such regulations to any district or portion of a district or native reserve.

A special chapter deals with the registration of births and deaths occurring on board any ship which carries passengers to or from any port of the Union, whether the death occurs while such ship is in such a port or at sea while trading to any such port. If any child is born on board any such ship in those circumstances, and of parents who reside or intend to reside in the Union, the master of the ship must make an entry of the occurrence with all particulars as to parents, nationality and sex of the child, in the ship's log, and, on arrival at any Union port, deliver a certified copy of such entry to an immigration officer, magistrate or police officer. Similar duties are placed upon the master of any ship in the case of a death on board his ship while carrying passengers or trading as above described.

A short chapter suffices to deal with the central registration of marriages, because the several marriage laws themselves provide for the keeping of registers by marriage officers. First, every special licence to marry must be transmitted to the provincial registrar by the marriage officer who solemnized the marriage, and must be recorded by the provincial registrar. Secondly, the marriage officer, the parties, and at least two competent witnesses must sign an original and duplicate register before they leave the premises where the marriage took place. The marriage officer must then keep the original register, and within a week must transmit the duplicate thereof to the provincial registrar.

The final chapter of the Act contains general and miscellaneous provisions as to searches of registers, the issue of certificates of births,

marriages and deaths, penalties for defaults for false statements and for wilful falsification or destruction of or injury to registers.

Natives (Urban Areas).—No. 21 consolidates a very large number of laws, all of which (except one) were passed prior to Union by the Colonial Legislatures. Its main objects are declared to be to provide for improved conditions of residence for natives in or near urban areas, and the better administration of native affairs in such areas, for the registration and better control of contracts of service with natives and the regulation of the ingress of natives into, or their residence within, such areas.

The Act contains thirty sections, some of which are extremely lengthy. It commences by empowering any local authority, subject to the approval of the Government, to reserve land and provide accommodation for native occupation within such authority's area of jurisdiction; to establish and extend native locations or native villages within which natives are to be permitted to acquire the lease of lots for the erection of dwellings; to provide native hostels for the accommodation of natives who do not live under conditions of family life; to require any person who employs more than twenty-five natives to provide or hire proper accommodation for them in a location, hostel or elsewhere. Where only inadequate or unsuitable accommodation for natives exists in an urban area, the Minister of Native Affairs may require the local authority of such area to make proper provision within a prescribed time, and, in the event of the local authority's default in complying with the requirements, the Minister may exercise all the local authority's powers, carry out what is required, and recover from it the net expenditure incurred by him in so acting.

Other provisions (ss. 5 and 6) enable the Government, by proclamation, to require all natives in any urban area (except certain classes to whom special exemption may be extended) to reside in a location, native village or hostel. The acquisition of land and premises in such a location or village is, with certain exceptions, restricted to natives.

An important provision of the Act is s. 8, which requires every urban local authority which has set apart land for the occupation and residence of natives, or has under its administration and control any location, native village or hostel, to keep a special account, called "the native revenue account." Into this account are to be paid all moneys derived from (*a*) fines imposed on natives for breach of by-laws affecting the location; (*b*) native pass and registration fees; (*c*) the sale of kaffir beer; (*d*) rentals for trading sites within locations; (*e*) rents, fees for services and other revenues from the locations, villages or hostels. Out of these moneys will be defrayed the services rendered by the local authority in respect of these places. The Minister's approval must be obtained for appropriating the revenues to such expenditure, and the approval is given upon estimates of expenditure prepared by the local authority.

For every such location or native village there is to be a body called a native advisory board, consisting of at least three native residents thereof, with a chairman who may be a European. This board possesses advisory functions in respect of regulations affecting the location or village.

Under s. 12, any urban area where natives are congregated in large numbers for mining or industrial purposes may be declared by the

Government to be a place where in some cases the Government, and, in other cases, the local authority, may exercise certain special powers. These powers chiefly relate to the compulsory registration of contracts of service of natives, the exclusion from the area of natives not in service or under the age of eighteen, and not living with a parent or guardian.

Provision is also made in s. 17 for the exclusion from urban areas, or from proclaimed areas, of idle, dissolute or disorderly natives, and for their removal to places to which they belong, or for their being dealt with in farm colonies, work colonies, refuges, rescue homes and similar institutions.

A matter of perpetual controversy has been the use of intoxicating liquor by natives, and the restrictions imposed on its possession by, or supply to, them. Under s. 19, the introduction of intoxicating liquor into native locations, villages or hostels, is, subject to certain necessary exceptions, prohibited. But, under certain safeguards, natives are permitted to obtain their own beverage, known as "kaffir beer." An urban local authority may, after consultation with the native advisory board of a location or village, convey to the Minister a resolution as to the advisability of permitting the domestic brewing therein of kaffir beer. If the Minister approves, such domestic brewing by householders in the village or location becomes lawful, but in such limited quantities only as the Minister may prescribe. Where the domestic brewing of kaffir beer is not permitted in an urban area, provision is made whereby that beverage may be exclusively brewed and sold by the urban authority itself. All expenditure thus incurred by it in connexion with such brewing, sale or supply is to be debited to the native revenue account above referred to, and the receipts from the sale are to be credited to that account.

Stock Theft.—No. 26 consolidates and amends the several provincial laws relating to the theft of stock and produce. Those laws, while in their main aspects framed on similar lines, differed considerably in matters of detail—particularly in regard to penalties. These laws and the new Act were of course designed to give special protection to the pastoral industry of the country from the ever-growing menace of stock thieves—European, coloured persons and natives. "Stock" is defined as meaning any horse, mule or ass; any bull, cow, ox, heifer or calf; any sheep, goat, pig or poultry; any domesticated ostrich, any domesticated game; or the carcass or any portion of the carcass of any such animals or birds. "Produce" is defined to include the whole or any part of any skins, hides, or horns of stock or any wool, mohair or ostrich feathers. The provisions of the Act are almost entirely confined to the creation of special offences and to the imposition of special penalties therefor. The following are the special offences so created: (1) the possession by any person of stock or produce in regard to which there is a reasonable suspicion that it has been stolen, and there is an inability by such person to give a satisfactory account of his possession (s. 1); (2) the acquisition or receipt by any person (otherwise than at a public sale) of stolen stock or stolen produce, without reasonable cause on his part for believing it to have been in the lawful possession of the person from whom he acquired or received it (s. 2); (3) the entry by any person upon any enclosed land or any kraal, with intent to steal stock or produce (s. 3 (1)); (4) the making or accepting by any person of delivery of any stock or produce between sunset and sunrise, for purposes of trade, if

the stock or produce has been sold or purchased or otherwise disposed of or acquired by him in any other manner than at a public sale (s. 5); (5) the arrest or search, under cover of the Act, of any person wrongfully and maliciously or without reasonable and probable cause (s. 7 (1)).

Any person charged with the theft of stock or produce may be found guilty of (*a*) an attempt to steal; (*b*) receiving the stock or produce knowing it to have been stolen; (*c*) inciting or procuring another to commit the theft or to receive the stolen stock or produce; (*d*) knowingly disposing or knowingly assisting in the disposal of stolen stock or produce; (*e*) a contravention of either of the first two provisions above referred to.

Certain special powers of arrest and search are given by s. 6; and, by s. 8, special penal jurisdiction is given to Magistrates' Courts in respect of offences under the Act. Another section (10) authorizes the convicting Court, in addition to any substantive penalty which it may impose on a conviction, to order the convicted person to pay compensation to the owner of the stolen stock or produce, which was the subject of the charge. If the convicted person fails to pay such compensation, he may be ordered to undergo an additional period of imprisonment.

Public Service and Pensions.—No. 27 consolidates and amends the laws relating to the organization of, discipline in, conditions of employment in, and the pensions payable to officers of, the public service of the Union, including those who serve under provincial administrations, and those who serve under the administration of the mandatory territory of South-West Africa. A similar measure (Act 29 of 1912) was placed on the statute book two years after the establishment of Union. It has since been amended in minor respects on three different occasions. But that Act has been found during eleven years to work satisfactorily, and its general scheme and main provisions are reproduced in the new Act, modified by only such alterations in matter of detail as experience has shown to be necessary or desirable. The public service of the Union (exclusive of the railways and harbours administration, the defence force, the police force and certain ranks in the Prisons department) is now classified by the new Act into four divisions: the administrative, the clerical, the professional and technical, and the general, divisions: and certain provisions then proceed to specify the classes of officers who are to be included respectively in each division. The Government is, however, empowered to direct that an office or post included in one division or branch shall be removed therefrom and included in another.

The Act goes on to provide for the appointment, remuneration and tenure of office of a public service commission. The body consists of three members who hold office for a period of five years, and are eligible for reappointment. During his period of office a member of the Commission may only be removed on an address of both Houses of Parliament. S. 3 of the Act prescribes generally the powers and duties of the Commission. Those include recommendations to the Government (*a*) as to appointments and promotions in the service; (*b*) as to the grading, classification, regrading and conversion of posts; (*c*) as to the control, reorganization and readjustments of departments and officers, and the retirement of officers in consequence thereof or on grounds of age; (*d*) as to economics and the promotion of efficiency in the working of departments. The Commission's recommendation on any such matter is not to be rejected or varied without the approval of the Governor-General in Council and, if the Governor-General in Council does not adopt such

a recommendation, the Commission must report to Parliament on the whole matter. The Commission's further functions include inquiries into grievances of public servants, the keeping of staff records, the framing of reports to Parliament and the framing of regulations under the Act on matters of detail. The Commission possesses also large powers in respect of the inspection of public offices, access to official documents, the summoning of officers and other persons as witnesses and putting them on oath. Ss. 9 to 12 set out the qualifications for appointment to the public service. Every person so appointed must be a British subject, of good character, and certified to be free from mental or physical infirmity or disease, and, unless the appointment is to a professional or technical post, he must have resided for three years in South Africa. In the case of first appointments to the clerical division, the appointee must, if a male, be between sixteen and twenty-five years of age, and have passed a prescribed entrance examination or an examination declared to be of a standard equivalent thereto. There are, however, certain exceptions to this rule in the case of persons who were formerly employed permanently or temporarily in the Union public service or in the civil service of one of the colonies now included in the Union. S. 15 makes special provision for future entrants to the service and for persons promoted in the future having adequate knowledge of both the English and the Dutch languages. Other provisions deal with the discharge of public servants on the grounds of age, inefficiency, reorganization, and misconduct. In connexion with the latter, Chapter II of the Act declares what are the acts or omissions which amount to misconduct, and sets out in detail the procedure to be adopted in charging any servant therewith, and, if proved, dealing with him therefor by discharge, degradation or fine. Chapter III to VI of the Act deal with pensions. The three Union pension funds hitherto existing are amalgamated into one. Chapter VII contains general and miscellaneous provisions. Among these are included a prohibition against the assignment of salaries without special approval; a limitation of time in respect of actions brought against the Government by public servants in regard to powers exercised by it under the Act; and the confirmation of certain provisional appointments in the mandatory territory of South-West Africa.

Insurance.—No. 37 applies to all persons or bodies of persons (except local authorities, friendly societies, burial societies and trade unions) if they carry on within the Union insurance businesses as defined in the Act. Subject to certain provisions to which reference will presently be made, the Act has, however, no application to any person transacting insurance business in the Union on behalf of brokers or underwriters at Lloyds or on behalf of similar associations of individual underwriters specially approved by the Treasury.

"Insurance business" is defined in s. 57 as including business of life insurance, industrial insurance, bond investment insurance, insurance at Lloyds or similar institutions and any other class of insurance to which the Act may be specially extended. Registration with the Treasury, the possession of a licence issued by it and the depositing of securities with that department are made conditions precedent to the carrying on of insurance business within the Union. In the case of life insurance, bond investment and industrial insurance companies, there must also be deposited with the Treasury an actuary's certificate that the conditions on which the business is proposed to be carried on are actuarially sound.

On failure by an insurance company or society to comply with any material provisions of the Act, the Court, on the application of the Treasury, may cancel the registration of the company or society. Every company registered under the Act must have a chief office in the Union, and also a principal officer therein, who must hold a power of attorney; and such power must declare the situation of the chief office and must authorize the holder to accept service of process against the company in any Court of the Union.

The deposits to be made with the Treasury are to be in cash or in securities, varying in amount according to the class of business transacted. Those moneys or securities remain solely as security for the payment to policy-holders in the Union of the value of their policies, and cannot be attached for payment of other debts or other liabilities of the insurance company until payment in full to policy-holders has been made.

When a company ceases to transact business in the Union, and satisfies the Treasury that its liabilities have been fully discharged, it will be entitled to a return of its deposit. The depositing company will, however, receive the income derived from any investments of money or securities deposited. It may also substitute, for deposits, securities of an equivalent value. Provision is made (ss. 13 to 15) for the preparation by insurance companies of annual accounts, and the lodging of the same with the Treasury, and the making of returns to the Treasury by, and the auditing of such accounts of, any such company.

Chapter II of the Act contains detailed provisions as to different classes of insurance business. For example, by s. 18, a life insurance company is required once in every five years, or at such shorter intervals as may be prescribed by the constitution of the company, to cause an actuarial investigation of its financial position to be made, and by s. 17 a life insurance company must, within three months after the conclusion of its financial year, and annually thereafter for a period of four years, furnish to the Treasury an actuary's report on the actuarial soundness of any alteration of, or additions to, the original conditions under which it was registered. These provisions are also applied by s. 40 to industrial insurance businesses.

By s. 20, a minor who has attained the age of eighteen is declared to be competent to effect a policy on his own life, and, except that he may not pledge or cede such a policy, he may deal with all matters connected with it as if he were of full age. S. 21 provides that a person whose life is insured by any policy issued in the Union may, without the consent of the insurer and notwithstanding any stipulation which may be contained in the policy, engage in military or naval service in the defence of the Union. Any stipulation to the contrary in the policy is declared void.

Ss. 23 to 32 set out the circumstances in which certain policies of life insurance or portions of benefits thereunder are to be protected (in so far as the insured person or the insured person's family is concerned) from attachment or execution by creditors. Some of these sections also settle the rights of husband and wife, *inter se*, in regard to policies ceded by the former to the latter.

Ss. 33 and 34 deal with amalgamations of life insurance companies, and the proposed transfer of life insurance business from one company to another. Public notice of any such proposal must be given. The sanctioning of such an amalgamation or transfer rests with the Court,

which is directed not to authorize any such amalgamation or transfer in any case in which it appears that the life-policy holders, representing one-fifth or more of the total number insured in the company, dissent from the proposal. If the Court's sanction is granted, a deposit of the terms thereof must be made with the Treasury and a declaration of compliance with the Act, and of other matters lodged with it. These provisions are applied by s. 38 to industrial insurance businesses also.

Under s. 35 a petition for winding-up a life insurance company on the ground of its insolvency may be made by twenty or more policy-holders holding life policies for an aggregate sum not less than £10,000, but the petition is not to be presented except by leave of the Court, and such leave is not granted until a *prima facie* case has been made out, and security for costs given. If the company proves to be insolvent the Court may, in its discretion, instead of granting a winding-up order, reduce the amounts of the company's contracts on such terms and subject to such conditions as the Court thinks fit. These provisions also are applied by s. 39 to industrial insurance businesses.

Attention is drawn to one special provision relating to industrial insurance business. S. 37 provides that any person having a *bona fide* expectation that he will incur expense in connexion with the death or burial of a parent, grandparent, child, step-child, grand-child, brother or sister may effect an industrial insurance on the life of such a relation for a sum reasonably sufficient to cover such expense.

The provisions described above in relation to life insurance business, and dealing with actuary's reports and amalgamations, are applied also to bond investment businesses.

S. 44 deals with the special provisions as to Lloyds and similar institutions. Any person who initiates insurance business, or who does any act in the Union in reference to the receiving of proposals for insurance or the issue of policies or the collection of premiums on behalf of brothers or underwriters at Lloyds or on behalf of members of associations (specially approved by the Treasury) of individuals formed upon the plan of Lloyds, whereby each associate underwriter becomes liable for a proportionate part of the whole amount insured by a policy must (*a*) deposit money or approved securities to the value of £2,000 ; (*b*) be licensed by the Treasury under the Act ; (*c*) have an office in the Union the situation of which has been notified to the Treasury ; (*d*) lodge with the Treasury certain annual statements of business so transacted and of the premiums, receipts and commission received.

Chapter III of the Act contains supplementary provisions, fixing licence duty at £50 annually and creates various sanctions and penalties for defaults in complying with the Act.

The only one of the supplementary provisions which calls for any special notice is s. 49 (2) which provides that when a policy of life insurance has endured for three years from the date of payment of the first premium, and the policy has become payable, the onus is to be on the company which issued the policy, of proving that any statement made by the insured as to the date of his birth or his age was incorrect.

Financial Legislation.—Of the twelve Acts which immediately concerned finance and the public revenue, two only call for any further mention whatever, and for them a few words suffice. The others were, as stated above, of a formal nature. Of the two to which reference has just been made, one was the Income-tax Act (No. 19), which fixed the

rates of normal income-tax and super-tax for the year ending June 30, 1922, the rates being fixed as in the previous year. The other Act, the Customs and Excise Duties Amendment Act (No. 23) made certain alterations in the customs tariff, the most important of which were the duties on motor-spirit and on boots and shoes. In the case of the latter the duty is fixed at 30 per cent. *ad valorem*, but this duty is not chargeable until March 31, 1927, after which date it is to be reduced by 2 per cent. per annum until the duty—less any rebate—amounts to 17 per cent. *ad valorem*.

The excise duty on matches manufactured in the Union is increased —a corresponding increase has been made of the customs duty on matches manufactured and imported from neighbouring territories which are under a customs convention with the Union. For revenue purposes there has also been imposed excise duties on patent and proprietary medicines when sold or exposed or offered for sale by retail. These duties vary according to the sale price of the article, the lowest being twopence on an article the sale price of which is 1*s*. 6*d*., the highest being £1 on an article the sale price of which is over 50*s*.

In Chapter III of this Act, which is of a general character, appear two provisions designed for the prevention of "dumping" to the detriment of South African industries. The first of these repealed an existing dumping clause, and provides for the imposition of a special customs (or dumping) duty on goods imported into the Union of a class or kind manufactured therein, when the export selling price, free on board, to an importer in the Union is less than the price at which (plus free on board charges) the goods are sold for home consumption in the usual or ordinary course of trade in the principal markets of the country of export at the time of shipment.

The second provision enables a special duty called "a dumping freight duty" to be imposed where goods of a class or kind produced or manufactured in the Union are being carried to the Union at a freight which, in the opinion of the Treasury, is detrimental to the production or manufacture in the Union of such goods. The special duty is to be equal to the difference between the net freight rate paid or to be paid, and the rate determined to be the minimum rate of freight for the carriage of such goods.

Beef Export Bounties.—No. 12 enables the Government, subject to the provisions of the Act, and the regulations made under it, to authorize payment out of public revenues of bounties on the export over sea from the Union of slaughter cattle or beef at the rate of one farthing per pound in the case of the former, and one halfpenny per pound in the case of the latter. Every claim to payment of bounties must be made within three months after shipment, and no payment is permitted unless the cattle or beef has, prior to export, been inspected and certified by the Agricultural Department, both as to weight and condition. The bounty may be paid to the owner or his authorized agent, or to a company or society which has been registered with the express object of disposing of cattle or beef produced by its members or any other company or society if the cattle were purchased, or the beef was the product of cattle purchased and slaughtered, after April 15, 1923—the day when the Bill for the Act was published.

Rents Act Extension.—No. 20 extends, till June 30, 1924, the operation of the Acts passed in 1920, 1921 and 1922 for the control, fixing and

reduction of the rents of dwellings. This Extension Act includes some minor amendments of the previous Act, *e.g.* the definition of " dwelling " has been amended so as to exclude premises licensed for the sale of liquor. Another amendment enables the landlord to recover possession of his leased premises where they are reasonably required for the personal occupation of any adult or married child. Another amendment renders it unlawful for the lessor of a dwelling to enter into or carry out any fictitious agreement calculated to defeat the objects of the Act.

Currency and Banking.—No. 22 amends in certain respects the Act of 1920 under which (1) the return to the gold standard was suspended till June 30, 1923 ; (2) the South African Reserve Bank was established and its constitution and functions were defined. With regard to (1) the date for the return is now postponed till June 30, 1925. With regard to (2) the constitution of the board of the bank has been altered by eliminating from the board the representatives of the commercial or joint stock banks, and by a corresponding increase in the number of commercial and industrial representatives upon the board. A joint stock bank which had subscribed to the capital of the reserve bank is prohibited from again acquiring or holding any stock thereof if its holding amounts to £10,000 or more, if at any time it sells or transfers any of its holdings of such stock in excess of that amount.

The scope of the reserve bank's business has been modified by the amending Act. It may now buy, sell or rediscount such bills of the Union Government, or of a local authority, as have not more than six months to run.

The provisions of the principal Act which prescribed the amount of gold reserve and security which the reserve bank was to hold for the redemption of its notes has been amended by the insertion of a proviso that until June 30, 1928, the notes issued by the bank, instead of being secured as to 60 per cent. or less in commercial paper or trade bills, may be secured by Union Treasury bills or bills of the British Government, of a currency not exceeding ninety days, but to the following amounts only : (*a*) 35 per cent. of the total note issue ; or (*b*) 140 per cent. of the total amount of commercial papers or trade bills held by the bank.

A provision of the principal Act which made the notes of the reserve bank receivable in payment of taxes and other debts due to the Government has been repealed, and a section is substituted, whereby a tender of a note of the reserve bank is legal tender to the amount expressed in the note, so long as the bank continues to pay, on demand, its notes in legal coin or in gold certificates, or, while the redemption of gold certificates is suspended (*i.e.* until the return to the gold standard), in such gold certificates.

Board of Trade and Industries.—This Act (No. 28) gives statutory recognition to a board established by administrative action in 1921. It confers upon that board additional functions, and imposes on it the duty of inquiring into, and reporting to the Minister as to the nature, extent and effect of agreements, arrangements, combinations, associations and trusts connected with or affecting commerce, finance, manufactures, mining, trade, or transport in so far as they tend to the creation of monopolies or the restraint of trade. The board has to submit recommendations as to any action necessary or advisable for preventing such creation of monopolies or restraint of trade. Directions are given as to the nature of the information to be given by the board whenever it

makes a recommendation in favour of tariff protection or state assistance for any trade or industry.

To enable it to carry out its original or amended duties, the board is given power to summon witnesses, call for and examine any books and documents, and put witnesses on oath, false evidence before the board being made punishable as if it were perjury.

Adulterated Leather.—No. 32 has, as its main object, the prohibition of the manufacture or sale within, or the importation into, the Union of adulterated leather. Its operation is, however, by s. 1 restricted to sole leather, to leather which, in the piece, is bought or sold by weight, and to the leather soles of footwear; but the Government is empowered to grant exemptions in respect of leather manufactured or imported for any specific purpose which would otherwise come within the scope of the prohibition. A scientific definition has been attempted of the expression "adulterated leather," and provisions are enacted as to the taking of samples and making analyses thereof. Another provision enacts that every tanner in the Union must cause his name to be imprinted on all sole leather prepared by him and must, in all invoices in respect of such leather, certify that it conforms to the requirements of the Act.

Miscellaneous Legislation.—In this category is included a review of those Acts only, the subject-matter of which is not to be found in previous Union legislation.

Boxing.—No. 5 regulates the holding of boxing contests throughout the Union. It repeals a Volkraad Resolution of the South African Republic—a resolution which absolutely prohibited such contests, but which has of course remained a dead letter. Under the common law a boxing match only becomes illegal when it deteriorates from an exhibition of skill or from a friendly contest where no assault or injury is intended, into a knock-out fight, which would in all probability result in bodily harm inflicted intentionally and in breach of the peace. The practical difficulties of applying the common law are apparent, and the Act is designed to avoid those difficulties. It enacts that no non-amateur boxing contest, whether for prizes or otherwise, shall take place unless held in accordance with the approved rules of an authorized board of control. Authority to function as such a board may be issued by the Commissioner of Police, and may be granted by him to bodies of persons associated together solely for the purpose of promoting and encouraging the sport of boxing within a defined area. The Commissioner must approve the rules, and no alteration thereof is to be valid without his approval. He may at any time withdraw the board's authority.

Under another provision, the Commissioner, any of his deputies or a magistrate, may prohibit or stop any boxing contest—even if it is of an amateur character—if he is of opinion that it is desirable to do so on grounds of public policy; and, whenever any police officer of or above the rank of sergeant is of opinion that the continuance of a boxing contest is likely to result in danger to the life or health of a contestant, or in any breach of the peace, he may stop the contest, and require all persons present thereat to depart. To exercise these powers every member of the police force has at all times access to any place where a boxing contest is being or about to be held.

Women Legal Practitioners.—No. 7 entitles women to be admitted to practice as advocates, attorneys, notaries public and conveyancers in any province of the Union on the same conditions and qualifications

as apply to men. Prior to this Act women had, on an interpretation (given by a majority decision of the Appellate Division of the Supreme Court) of the judiciary laws governing the admission of persons of the legal profession, been denied their claim to any such admission.

Radio Telegraph Station.—No. 11 confirms and gives effect to an agreement of September 6, 1922, and a supplementary agreement of March 5, 1923, between the Union Postmaster-General and Marconi's Wireless Telegraph Company, with respect to the erection, maintenance and operation within the Union by a Company to be established, of a radio-telegraph station capable of establishing direct communications and suitable for duplex commercial working between the Union and Great Britain and other parts of the world. The Government is authorized to exercise all such powers, and do all such acts, as may appear to it necessary to give full effect to the agreements.

Aviation.—No. 16 enables effect to be given to the International Convention of October 13, 1919, for determining certain uniform rules with respect to international air navigation. The Government is empowered to carry out the convention, and any amendments or additions which may be made thereto, and to declare which provisions, with any modifications or adaptations thereof which may be necessary, shall apply to air navigation in the Union. The Act then proceeds to give the Government the widest powers to make regulations for the control, regulation and encouragement of aviation in the Union. The Act also provides for the appointment of a civil air board of seven persons; and gives the Government special powers in case of war, whether imminent or actual, or in time of great national emergency. The Act then deals with such matters as the establishment, maintenance, licensing and registration by the Government of aerodromes; questions of trespass, nuisance and liability for damage caused to property owners or the public and arising from the flight of aircraft; the investigation of accidents to aircraft and their occupants; the application of the Customs Duties and management laws to goods, and of the Immigration Regulation laws to passengers, conveyed to the Union in aircraft; and the detention of aircraft where the owner or pilot has contravened the Act.

Maintenance Orders.—No. 15 makes provision for the enforcement in the Union of maintenance orders in Great Britain or any part of His Majesty's dominions or in British Protectorates or in British mandatory territories. Any such country may be proclaimed a country in which the provisions of the Act will be applied, whenever the Government declares that there is in force in that country a law providing for the enforcement of maintenance orders by Courts of the Union. The Act is almost identical in form and language with the Maintenance Orders (Facilities for Enforcement) Act, 1920, of the British Parliament, and it was in respect of England, Northern Ireland and the Isle of Man that it has been first declared applicable.

Adoption of Children.—No. 25 is designed to amplify the Roman-Dutch common law of the Union in respect of the adoption of children. The Roman-Dutch law—not following in this respect the Roman law—does not recognize adoption as a means of creating the legal relationship of parent and child. Under the new Act, an order of adoption of a female child under the age of sixteen may be made by a magistrate on application in writing in the prescribed form by any of the following persons of over the age of twenty-five: (*a*) a husband and wife jointly; (*b*) a

married woman whose husband is insane or who is judicially separated from him; (*c*) any widow or unmarried woman; (*d*) any widower or unmarried man. A similar order may be made in respect of a male child upon like application by persons in a like position.

Before making any order of adoption, the magistrate may compel the attendance of witnesses before him, and he is required to satisfy himself by evidence as to certain facts, matters, and things required under the Act to be proved. These include the age of the child; the fitness of the proposed adopting parent; the welfare and interests of the child; the consent of the child of over ten years of age; the consent of the parent or lawful guardian. If there is no parent or guardian the Minister may appoint a guardian for the purpose of proceedings under the Act, and a guardian so appointed may visit and inspect the adopted child. If a child welfare or other like society is appointed by the Minister to be such guardian (as will probably be the rule) it may give authority to any person to exercise on its behalf the power of visiting and inspecting.

If a magistrate, dealing with an application for adoption, is satisfied that any parent or legal guardian is unfit to have the custody and control of the child, he may dispense with the consent of such parent or guardian. In that event, however, the latter may, within three months after the magistrate's order of adoption, apply to the Supreme Court for the discharge of the order, and that Court may deal with such application as it thinks fit.

The magistrate is empowered to issue a provisional order, instead of finally deciding forthwith any application to him. By such provisional order he may commit the child to the care of the applicant for a period not exceeding two years, and may adjourn the further hearing of the application to a date not later than the date on which such period expires; to such provisional order there may be attached conditions as to supervision of and reports upon the child and its place of residence.

Except with the consent of the magistrate, no premium or other consideration may be given or received in respect of any adoption under the Act, but a person giving a child in adoption or any other person is not prohibited from making a settlement for the benefit of the child, nor is a bequest by will to the adopting person prohibited or his inheritance *ab intestato*.

It is necessary now to refer to the legal effect of an order of adoption. Unless it is otherwise provided in the order, its effect is to confer the surname of the adopting parent on the child, and the child will, for all purposes, be deemed in law to be the child born in lawful wedlock of the adopting person. But the child does not, by the adoption, acquire any right, title or interest in any property devolving on any child of the adopting parent under an instrument executed prior to the order of adoption, or in any property burdened with a *fidei commissum* (*i.e.* trust) in favour of the descendants of the adopting parent, or in any property devolving on the heirs *ab intestato* of any child of lawful wedlock of the adopting parent. Nor will the child by the adoption become entitled to the succession (whether by will or intestacy) *jure representationis* his adopting parent.

Conversely, the adopting parent is, for all purposes, to be deemed in law the parent of the adopted child, as if the child had been born to him or her in lawful wedlock. All the rights and legal responsibilities existing between the child and his natural parents cease, except the right of the

child to take property as heir or next-of-kin of his natural parents directly or by right of representation.

The adopting parent or his kindred do not, however, by reason of the adoption acquire, on the death, intestate, of the adopted child, while still a minor, any right in immoveable property which has become vested in joint ownership in such child; but such right accrues in the case of the death, to the person who would have been entitled thereto if the adopting order had not been made.

The Act is *mainly* confined to provisions for the adoption of children under sixteen, but provision is also made (s. 12) whereby, for a period of two years after the commencement of the Act, a child over that age and under the age of twenty-one may be the subject of an adoption order granted in favour of a person who is in other respects qualified under the Act, if such person has actually had charge of and has maintained the child for a period of not less than two years before the child reaches the age of sixteen. Such an order has all the effects of an order issued in respect of a child under sixteen.

Provision is also made (s. 13) whereby an adopting parent may have the fact of adoption recorded in the register of births kept under Act 17 of 1923.

Amending Administrative Legislation.—Every session of Parliament produces, of course, a crop of Bills to effect minor amendments in existing administrative laws. The session of 1923 was no exception to the rule, but these amending bills were not numerous.

Anatomy.—No. 8 extends to twelve months the period of three months prescribed by the Anatomy Act, 1911, within which an inspector of anatomy is required to cause the removal and decent burial, according to the religious rites of the deceased, of a dead body delivered under that Act to an authorized school of anatomy.

Magistrates' Courts.—The Magistrates' Court Act, 1917, Further Amendment Act (No. 9) enables a Magistrates' Court to suspend execution in respect of draught animals, to the value of £100 or less, belonging to a farmer, and used by him in the cultivation of his land. Such animals are thus put on the same footing as the household furniture of any debtor and the tools of a workman's trade, which are protected under the principal Act against execution where their value does not exceed £25.

Rand Water Board Statutes.—No. 18 exempts the water board from the duty of preparing and forwarding to the Government, annually, rating rolls and tests of certain mining property, except in certain circumstances.

Higher Education.—No. 30 brings within the scope of Act 20 of 1917 certain educational institutions which are not governed by any special Act—such institutions being such as the Minister of Education may declare (subject to certain restrictions) to be places of higher education.

Diseases of Stock.—No. 31 effects certain minor amendments to the principal Act (No. 14 of 1911), and gives increased powers to the Department of Agriculture in respect of the construction of dipping tanks on land the owner whereof cannot be found; and for the recovery of expenditure incurred by the department on the construction, alteration or maintenance of such tanks. Further provision is made requiring any owner on whose land a dipping tank has been constructed, and who has not repaid the cost which has been defrayed in the first instance from public funds, to permit to be dipped in his tank at prescribed fees the stock of other persons if the department so requires.

2. CAPE OF GOOD HOPE.

[*Contributed by* G. M. Swift, Esq.]

Ordinances passed—17.

Finance.—No. 14 is a special retrenchment Ordinance which provides for a reduction of grants made by the Administration in respect of various services such as vermin destruction, the eradication of noxious weeds and the like. The Ordinance further provides for a reduction of expenditure upon certain educational services, and for an increase of fees payable in Government Schools.

Miscellaneous.—The remaining Ordinances, which are not of importance, fall under this head, the greater portion being short amending Ordinances.

3. NATAL.

[*Contributed by the* Hon. Mr. Justice F. S. Tatham, D.S.O.]

Audit of Municipal Accounts.—By Ordinance 3 the auditor of the Province is directed to audit the accounts of all municipalities and townships. He may appoint duly qualified accountants to assist him.

Licensing of Wholesale and Retail Dealers in Rural Districts.—Ordinance 4 excludes boroughs and townships from its operation. The Ordinance applies to the granting of trading licences, and their transfer and renewal, contemplated by the Natal Act 18, 1897. It erects Licensing Boards in each county or combination of counties. The boards are to consist of a chairman and four other members appointed by the Administrator, who must be voters and owners or renters of land within the county. The life of each board is three years, the Administrator being authorized to fill vacancies.

The quorum for a meeting is four. No person having an interest may sit to decide upon any matter arising for determination. A majority vote decides all questions, but, upon an equal division, the chairman's vote is the decision of the board.

The board has a discretion to refuse a wholesale or retail licence. The board is required to record the evidence, and, where an application is refused, its reasons must be recorded.

The jurisdiction of Courts of Law to review, reverse or alter a board's decision is excluded.

The Ordinance erects a Board of Appeal, to be appointed by the Administrator, to which an appeal from the decision of a board may be taken.

The Board of Appeal consists of three persons, one of whom must be a person who has held office as a judge or magistrate, or is an advocate of the Supreme Court. Their remuneration is fixed by the Administrator.

An applicant for a renewal of an existing licence is, however, granted a right of appeal to the Provincial Division of the Supreme Court.

Any person resident within the licensing area or within five miles of the premises sought to be licensed may object to an application.

There are general provisions regulating procedure and limiting both applicants and objectors.

Additional Powers to Boroughs and Townships.—Ordinance 5 empowers a borough or township, with consent of the Administrator, to insert in contracts of sale or lease of land, conditions limiting the class or value of buildings, restricting the uses of the property, or the ownership or use by persons of European or Asiatic or native races.

Public Health.—Ordinance 7 provides for the erection of the Public Health Committees. Committees may be elected by ballot of voters in areas specified by the Administrator. The committees so elected may exercise the powers conferred on "Local Authorities" by the Public Health Act, including the levying of rates. Their particular powers include that of ensuring proper sanitation in respect of public or private premises, forbidding the erection of unsuitable buildings, and overcrowding, and compelling the employment of means necessary to prevent or abate nuisances. Committees may borrow money and make contracts, and appoint officers.

Motor-cars.—Ordinance 12 provides for additions to the Ordinances 11, 1913, and 8, 1921, so as to require annual registration, notice of sale of a motor-car, with certain exemptions.

4. ORANGE FREE STATE.

[*Contributed by* H. PRING, ESQ.]

During the session of 1923, 18 Ordinances were passed—of which Nos. 3, 6, 11 and 18 were Appropriation Ordinances.

Licences.—No. 1 provides that a live-stock dealer need not take out a general dealer's as well as a live-stock dealer's licence in any one year.

No. 4 amends the Liquor Licences Ordinance (20 of 1922) by the deletion of the requirement of liquor licences for railway stations and railway trains, as these items were in conflict with the Union Railways Management Act, 1916. Provision is also made to prevent an evasion of the payment of a licence fee chargeable on the gross receipts of a business, in the event of the transfer or assignment of an existing licence.

No. 10 amends the Entertainment Tax and Licences Ordinance (6 of 1917) as amended by Ordinances Nos. 6 of 1921 and 14 of 1922. In the principal Ordinance the tax and licences are charged in accordance with the seating capacity of the theatre or other place of entertainment, and provision is now made for a fixed rate of tax and licence for entertainments, where the seating capacity cannot be readily ascertained. The remainder of the Ordinance is merely a consolidation of previous amendments.

No. 13 amends in certain respects No. 15 of 1921. The principal amendment is one which curtails as far as possible the sale of new goods out of hand on market squares and other open places in towns. This sale out of hand has been found to do a considerable amount of damage to established general dealers' businesses in respect of which handsome licences, based on turnover, are paid. The amendment, therefore, protects the revenue of the Province, and also the duly licensed businesses.

Education.—An Education Building Fund has been in existence in the Orange Free State since 1906 for the purpose of making advances to owners of fixed property in rural areas, for erecting new buildings for educational purposes on such property, or for altering or adding to existing buildings used for educational purposes. No. 2 authorizes

advances from the Fund to School Boards or other local educational authorities for the purpose of erecting new buildings for educational purposes on sites which are the property of the Government, or for altering or adding to buildings on such sites.

No. 5 imposes upon a parent the duty to supply books to any child attending school in terms of the compulsory attendance clauses in the Education Laws Consolidation Ordinance (9 of 1920), and more clearly defines the power of the Administrator to condone a break in a teacher's service, in so far as leave, status and length of service are concerned.

No. 15 amends s. 17 of the Education Tax Ordinance (11 of 1921) to permit of indigent persons being exempt from payment of the tax in any year.

No. 17 makes special provision for curtailing expenditure by way of reduction of salaries in so far as teachers, lecturers, superintendents, instructors, and assistants employed in public schools, vocational schools, or other educational institutions under the control of the Provincial Administration, school board secretaries and their assistants and attendance officers; nominated members of the Council of Examiners and the Secretary of the Council; the Provincial Council draughtsman and his assistant.

The reduction is at the rate of 5 per centum in the case of married persons, and 6 per centum in the case of unmarried persons. The Ordinance was effective during the period October 1, 1923, to March 31, 1924.

Agricultural Societies.—No. 7 amends s. 15 of the Agricultural Societies Act (24 of 1908) (Orange Free State) and extends the provisions of that section to the Central Agricultural Society established under Act No. 24 of 1909.

The Ordinance also exempts Agricultural Societies from payment of auction dues in respect of auction sales held at annual general shows or exhibitions.

Municipal.—No. 8 validates the sale of certain erven by the municipality of Bloemfontein in respect of which certain formalities by law prescribed were inadvertently not observed. The Registrar of Deeds refused to pass transfer until the omissions were validated by Ordinance.

No. 9 repeals the Townships Ordinance (6 of 1919) from September 19, 1919 (date of promulgation) and re-enacts the Townships Act (15 of 1909) (Orange Free State), all townships established and all proceedings taken in connexion therewith from and after September 19, 1919, being deemed to have been so established and taken under the Act of 1909.

No. 14 amends the Local Government Ordinance (4 of 1913) and empowers Town Councils to exempt buildings supported by public charity or used for charitable purposes from the payment of rates, *i.e.* other than charges usually made for the supply of water, light and sanitary services.

Hospitals.—No. 16 repeals and re-enacts with amendments Ordinance No. 8 of 1913 as amended by Ordinance No. 4 of 1922, and is a comprehensive measure dealing with the establishment, maintenance and management of public hospitals and kindred charitable institutions, the formation of hospital districts and hospital boards, the appointment of a Superintendent of Hospitals, and a Medical Inspector of Hospitals.

Shop Hours and Half-holidays.—No. 12 amends the Shop Hours Act (30 of 1909) as amended by Act No. 7 of 1910 and Ordinance No. 4 of

1917. It also amends the Half-holiday Ordinance (5 of 1906) as amended by Ordinance No. 11 of 1920.

The actual effect of the Ordinance is to consolidate the definition of "shop," to alter the closing hour on the half-holiday, and to require hairdressers' shops, in future, to close in conformity with the provisions of the Acts and Ordinances above quoted.

5. NORTHERN RHODESIA.

[*Contributed by* G. D. CLOUGH, ESQ., O.B.E.]

During the year 14 Proclamations applying to the Territory were issued by the High Commissioner, of which the following are the most important:

Firearms Restrictions (Native).—The North-Eastern Rhodesia Firearms Restricting Regulations (Natives and Asiatics), 1901, applied only to the north-eastern portion of the Territory. This Proclamation (No. 21 of 1922), which applies to the whole Territory, repeals the Regulations, but in effect, so far as natives are concerned, re-enacts the provisions of the Regulations. It controls the supply to and possession of firearms by natives.

Income-tax.—This Proclamation (No. 3) imposes an income-tax in respect of the twelve months ended March 31, 1923, and makes various amendments to the existing income-tax laws.

War Memorials.—Two Memorials have been erected, one in the vicinity of the Victoria Falls to the memory of Northern Rhodesians, and the other at Livingstone to the memory of the members of the Northern Rhodesia Police, who lost their lives in the late war.

This Proclamation (No. 5) vests the Memorials and the land in their vicinity in trustees with a view to their preservation.

Imperial Acts Extension.—The Northern Rhodesia Order in Council, 1911, provided that no Act passed by the Parliament of the United Kingdom after the commencement of the Order (August 17, 1911) should be deemed to apply to the Territory. This Proclamation (No. 9) provides that the following Acts of Parliament should be deemed to be of full force in the Territory: the Conveyancing Act, 1911; the Bankruptcy and Deeds of Arrangement Act, 1913, in so far as the same is not repealed by the Deeds of Arrangement Act, 1914 or the Bankruptcy Act, 1914; the Deeds of Arrangement Act, 1914; and the Bankruptcy Act, 1914.

Opium and Habit-forming Drugs Regulation.—This Proclamation (No. 10) restricts and regulates the importation into the Territory and the production and use therein of opium and other habit-forming drugs, and the exportation from the Territory of such drugs.

Treaties of Peace Orders (Amendment Orders).—This Proclamation (No. 11) makes provision for certain modifications in the Treaties of Peace Orders (Amendment) Order, 1923, and the Treaties of Peace Orders (Amendment) (No. 2) Order, 1923, in their application to the Territory.

Enemy Property.—This Proclamation (No. 12) repeals the Enemy Claims and Property Proclamation, 1917, which prohibited the Custodian or Controller of Enemy Property from selling or transferring real property to an enemy subject or a corporation under enemy control, and also prohibited an enemy or enemy subject or corporation under enemy control from purchasing or acquiring any real property which might be sold by the Custodian or Controller.

6. SOUTHERN RHODESIA.

[*Contributed by* A. E. SPEIGHT, ESQ.]

Annexation and Constitution of the Colony.—During the year 1923 the event of outstanding importance was the grant of responsible government. This was effected by letters patent approved by Order in Council of August 25, 1923, and the new constitution came into force on October 1 of the same year. By Order in Council of July 30, 1923, the Territory of Southern Rhodesia was annexed to His Majesty's Dominions, and became a Colony as from September 12.

To sketch the Constitution would require more space than can be spared in this brief summary of legislation, and will form the subject of a separate article ; it might be mentioned, however, that the Legislature will, for the immediate future, consist of a Legislative Assembly of thirty members, the Ministry consisting of not more than six of these members.

Provision is made by which a Legislative Council may be formed by an Act for that purpose at any later date.

The power of legislation is restricted in certain important matters, namely :

A. Alteration of the provisions of the Constitution relating to reservation of certain Bills for His Majesty's pleasure, such being :

1. Laws imposing restrictions on natives.
2. Laws amending the Constitution.
3. Laws constituting the Legislative Council.
4. Laws relating to the collection of mining revenue or imposing taxes on minerals.
5. Laws dealing with railways.

B. Alteration of the provisions of the Constitution dealing with native administration.

A further Order in Council of August 20, 1923, authorized letters patent constituting the office of Governor, and setting out his powers and duties, approved of instructions to the Governor, and a commission of appointment to Lieutenant-Colonel Sir John Robert Chancellor, G.C.M.G., D.S.O.

Ordinances.—Those of much interest were few, pending changes of constitution naturally causing all except urgent legislation to be held over for the new government.

Life Insurance.—Ordinance No. 2 of 1919 gave special protection to policies against creditors. S. 9 thereof saved the rights of existing creditors, but did not protect the creditor to whom a policy might be specially pledged thereafter. Ordinance No. 5 of 1923 makes the necessary amendment to protect such creditors.

Foods and Drugs.—Ordinance No. 6 amending the Sale of Foods and Drugs Ordinance, 1916, allows for standards of milk, butter, etc., to be fixed, with penalties for sale of such foods not of the requisite standard. It also requires condensed or skimmed milk to be sold clearly as such, and provides further machinery for the carrying out of the principal Ordinance.

Native Tax.—Difficulties having arisen in the administration of the law relating to the collection of native tax, certain rules of evidence have been laid down by Ordinance No. 8, throwing the onus upon the person charged with failure to pay such tax.

Finance.—Three Acts were passed by the Legislature of the New Colony.

No. 1 is an Appropriation Act.

The Southern Rhodesia Specific Loan Act (No. 2) makes provision for raising a loan of £3,000,000. The loan is required:

(1) To pay the amount agreed upon as a price for the unalienated land—£2,000,000.

(2) To repay the loan of £300,000 from the Imperial Treasury under Ordinance No. 13 of 1922.

(3) To meet costs and charges in connexion with the foregoing.

(4) To pay any liabilities assumed by the Administration under s. 49 (3) of the Constitution, and any balance is to be applied to public works and institutions.

The Southern Rhodesia Loans Act.—No. 3 provides for the issue of bonds, stock and Treasury bills, and enables the Colony to take advantage of the Imperial Colonial Stock Acts, 1877–1900.

Loans may be raised by means of bonds or stock by the Governor in Council, when any Act has authorized the raising of any sum of money for specified purposes. Provision is made for a sinking fund and investment of such fund by the trustees.

Treasury bills may be authorized by resolution of the Legislature at the request of the Governor and are redeemable within twelve months.

7. TRANSVAAL.

[*Contributed by* G. HARTOG, ESQ.]

In the session of 1923, 14 Ordinances were passed, of which 4 were appropriation Ordinances.

Poll Tax.—No. 2 exempts persons from the penalty imposed by the Poll Tax Ordinance 1921, s. 5, if they have paid the tax falling due on June 30, 1922, on or before October 31, 1922.

Shop Hours.—No. 5 repeals the principal Ordinance of 1916, with the amending Ordinances of 1917, 1919 and 1922, but re-enacts them with the following more important differences:

(*a*) Definition of shop is extended to include office and counting-house, work-rooms, and the premises of auctioneers and merchant tailors, and to include factories as defined in the Factories Act of 1918, and the sample-rooms of commercial travellers or manufacturing agents.

(*b*) Definition of shop assistant is extended to include clerks, order-men and book-keepers.

(*c*) Closing hours are altered to 6 p.m. on week-days and 7 p.m. on Saturdays, instead of 6.30 and 9 respectively, and of "privileged" shops to 11.30 from midnight.

(*d*) A new species of shop, called the "native shop," is given the right to remain open till 7.30 p.m. daily for the sale of general goods. These shops are defined as shops in, on or from which trade is carried on mainly with persons other than white persons, provided they display a notice publicly intimating that they are native shops.

(*e*) Shop assistants' hours are reduced from 52 to 48 hours per week, and from 9 to 8½ hours in any one day. But the provision that they are not to be employed more than 6 days in a week, or after 1 p.m. on more than 5 days a week, is not to apply to chemists.

(*f*) Annual leave is extended to 14 days in the case of assistants in shops open on Sundays.

Education.—By No. 7 power is given to the Administrator, where a school is advanced in grade, to retain or reappoint to any vacancy so caused the teacher, if qualified, who occupied the equivalent post before the advance in grade.

Companies.—No. 8 provides for the imposition of a tax on companies, viz.:

(*a*) A tax of sixpence for each pound of taxable income in the case of companies other than financial and insurance companies.

(*b*) A shilling in respect of financial companies. These are defined as "companies the value of whose holdings, according to the latest balance-sheet—represented by shares, debentures or debenture stock in other companies, including foreign companies, together with loans to other companies—exceeds half the value of the total gross assets of such company, according to such balance-sheet."

(*c*) For each £1 of premium received by insurance companies: (1) threepence in respect of life premiums; (2) twopence in respect of all other classes of insurance premiums.

Exempt from the tax are: (*a*) mining companies; (*b*) taxable income derived from outside the Province; (*c*) companies which do not carry on business for profit or gain to be divided among or credited to its members; (*d*) any portion of a dividend distributed by a financial company out of dividends which have already been taxed as dividend distributed under this Ordinance; (*e*) Any dividend distributed on the winding up of a company.

Financial and insurance companies taxed as above are not liable to the provincial tax on taxable income.

Sales by Auction.—No. 9 provides for a tax on sales by public auction. It is payable by the seller through the auctioneer or other agent on his behalf at the following rates: (*a*) in respect of sales of fixed property—1 per cent. of the sale price; (*b*) in respect of sales of agricultural and pastoral produce (including meat)—1 per cent. as above; (*c*) in respect of sales of all moveable property—2½ per cent.

A sale by public auction shall be deemed to have been effected if (i) any fixed property, lease or live stock, after being duly advertised for sale by public auction, is withdrawn therefrom, and is within thirty days of the advertised date sold out of hand; if (ii) any meat is disposed of (otherwise than by public sale) through a public abattoir or cold storage or is submitted for municipal inspection at such place.

Exempt are: (*a*) sales by the Union or Provincial Governments, or the Land Bank of South Africa or local authority, or any ecclesiastical, educational or charitable institution; (*b*) five pounds of any sale on any day, by an individual seller, whose aggregate sales on that day do not exceed £50; (*c*) any disposal of meat in respect of which auction dues have been levied within the Province immediately prior to slaughter; (*d*) or live stock or meat which it is proved to the Receiver of Revenue is due to be exported overseas; (*e*) any portion of the selling price proved as above to represent actual expenditure on railage to the place of sale.

Roads.—No. 10 amends the Road Ordinance of 1912 by repealing ss. 8 and 9, and substituting therefor sections empowering the Administrator to constitute at least one Road Board in each Magisterial District,

to consist of the magistrate, who shall be chairman, and such other persons as he may appoint.

Power is also given to constitute additional Road Boards in Magisterial Districts having detached magistrates.

Licences.—No. 12 amends s. 10 of the Licence Ordinance (11 of 1919) by providing that, where any person acquires an existing business and carries on the same, the said business shall not be deemed a new business, but shall be regarded as a continuing business, and such person shall be liable to pay an additional annual licence fee on turnover, as assessed by the Receiver of Revenue.

Motor Vehicles.—No. 13 amends the Motor Vehicle Ordinance (6 of 1915):

(*a*) Definition of registering authority is amended to mean the local authority, magistrate or person appointed by the Administrator with jurisdiction for the purposes of this Ordinance in the area in which the owner of the motor vehicle resides.

(*b*) S. 4 (3) of the principal Ordinance is amended by empowering the police or Municipal Officer in uniform to stop drivers and demand production of their licences and name and address.

Any person who fails to comply with such demand by producing within seven days the said licences at a police-station, or refusing to stop or to give name and address, or giving a false name and address, shall be guilty of an offence.

(*c*) S. 5 is amended to enable a person licensed in any other Province to use his vehicle in this Province for two months (continuous period) before taking out a new motor licence, provided that, on entering, he shall submit his licence for endorsement by a magistrate and the date.

(*d*) The use of the "spot-light" is prohibited in the Reef and Pretoria Municipalities, while the car is in motion.

(*e*) Cars are to be provided with efficient silencers, and any fitment rendering it possible to open the exhaust of a car is prohibited.

(*f*) Increased regulating powers are given to the Administrator, including the power to prohibit the use of cars with "left-hand steering" unless such vehicle has apparatus to signal efficiently an intention to stop or to change direction.

Local Government.—No. 14 amends the Local Government Ordinance (9 of 1912) by amending:

(*a*) S. 71 (16) so as to grant to Councillors passes, entitling them to travel free on municipal trams or buses.

(*b*) S. 72, as amended by Ordinance 6 of 1918, empowering local authorities to regulate trades, workshops, likely to be a source of nuisance, discomfort or annoyance, but saving the rights of trades already established, and similarly to define "zones" for shops, factories, etc., but saving existing concerns.

(*c*) S. 87, as amended by Ordinance 6 of 1918, so as to enable two or more councils to establish a united pension, provident or benevolent fund for the benefit of municipal employees.

And certain minor amendments to s. 67, 88 (25) and 149 as amended by Ordinance 1 of 1915.

BRITISH EMPIRE.

V. BRITISH INDIA.

[*Contributed by the* Hon. Sir Henry Moncrieff Smith, Kt., C.I.E., I.C.S.]

The year 1923 was one of great activity in the Legislatures of British India. Altogether 116 measures were enacted, a number which has only once been exceeded: that was in the year 1920, the last year before the reformed Legislatures came into being.

1. ACTS OF THE INDIAN LEGISLATURE.

Acts passed—43.

Criminal Law.—Several measures, some of which were of considerable importance, were enacted, amending the criminal law of British India. The Criminal Tribes (Amendment) Act (No. 1) makes several amendments in the law embodied in Act No. 3 of 1911 [1] for the registration, surveillance and control of criminal tribes or gipsies. It enables action to be taken against individual members or portions of a criminal tribe and not merely against a criminal tribe as a whole. It also enables the Government, with the consent of the Ruler of an Indian State, to deport a criminal tribe to that State, if Government is satisfied that the law of the State makes sufficient provision for the control of the movements of the tribe.

The Malabar (Completion of Trials) Supplementing Act (No. 2) supplements the Madras Act, No. 1 of 1923, by enacting that appeals shall lie to the High Court in any case in which an appeal would have lain but for the expiration of the Malabar (Completion of Trials) Ordinance, 1922, and that such appeals and also appeals pending on such expiration shall be disposed of by the High Court. The Local Legislature had no power to confer this jurisdiction on the High Court.

Four Acts were passed in the year to amend the Code of Criminal Procedure, 1898,[2] namely Acts Nos. 12, 18, 35 and 37. The Criminal Law Amendment Act, No. 12, commonly known as the Racial Distinctions Act, is designed, in the words of the Preamble, "to provide for the removal of certain existing discriminations between European British subjects and Indians in criminal trials and proceedings." The whole subject had been considered by a large and representative committee appointed by the Government of India as the result of a resolution passed by the Legislative Assembly in September 1921. The Bill as

[1] See *Journal of Comparative Legislation*, New Series, vol. xiii, pt. ii, p 327.
[2] *Ibid.*, vol. i, pt. iii, p. 467.

introduced sought to give effect with certain modifications to the recommendations contained in the report of the committee. In many cases the modifications proposed by the Government Bill were designed to reduce the additional expenditure in criminal trials which would have followed from the adoption of the recommendations of the committee. For instance, under the old law the provisions barring an appeal in cases in which minor penalties were imposed did not apply to European British subjects. The committee recommended the opening of appeals in all cases for Indians and European British subjects alike. This would have involved an enormous increase in the number of appeals and a consequent strengthening of the judicial staff. The Bill proposed a compromise, giving a limited right of appeal in both cases. For similar reasons, it was not deemed desirable to give effect to the recommendation that an appeal should lie on facts as well as on law in all cases tried by jury. The amended law proceeds on the assumption that there must be cases in which racial considerations are involved and it is for these cases, and not for all cases in which the accused is a European British subject, that it provides a special procedure where the accused is an Indian or a European. It is not easy to summarize briefly the former law and the new law on the subject. Under the Code of 1898 the principal distinctions were that European British subjects were not triable by any magistrate but one of the first class and then only if he was a justice of the peace, or, in other words, a European. In the same way, sessions judges had no jurisdiction unless they were themselves Europeans. The sentences that could be awarded by any Court other than a High Court were much lower in the case of Europeans than that of Indians. Europeans could claim trial by a jury, of which not less than half of the jurors were Europeans or Americans. European British subjects had more extensive rights of appeal. Finally, the Judicial Commissioners' Courts, which had the full powers of High Courts under the Code so far as Indians were concerned, were not High Courts for European British subjects. These provisions were modified by the Bill as follows, in regard to cases in which no racial considerations were involved. All first-class magistrates, whatever their nationality, were given power to try European British subjects, and second- and third-class magistrates could try some of the more petty cases. The restrictions in regard to the powers of sessions judges were abolished. The Courts were given practically the same powers of sentence in regard to European British subjects as they had in regard to Indians. The Bill abolished trial by jury before a magistrate and gave equal rights to both communities as regards the constitution of the jury and appeal. The Judicial Commissioners' Courts in the Central Provinces, Oudh and Sind, became High Courts in regard to proceedings against European British subjects. The distinctions maintained were of a minor nature.

In cases in which racial considerations are involved a special procedure was devised which applied equally to Indians and European British subjects. A claim for the special form of trial had to be lodged by the accused at an early stage of the proceedings and certain rules were laid down for the guidance of magistrates whose orders of rejection of the claim were appealable. The procedure was not to apply in cases where a complaint is lodged by a public servant. Where a claim for special trial has been allowed, summons cases, that is, cases in which the punishment awardable does not exceed six months' imprisonment, will be tried by a bench of two magistrates, one of whom will be an Indian and the

other a European British subject. In case of difference of opinion, the proceedings will be laid before the sessions judge, who will decide. Local Governments, however, may direct that in any area summons cases shall be tried as warrant cases. For warrant cases, that is, cases involving offences punishable with death, transportation or imprisonment for a period exceeding six months, the Bill laid down that, unless the magistrate discharges the accused, where no *prima facie* case has been made out, he shall commit the accused for trial by a Sessions Court. Normally, there will then be a trial by a mixed jury with a majority of Indians, or Europeans and Americans, accordingly as the accused person is an Indian or a European subject of His Majesty.

The Bill became law in practically the same form in which it was introduced. A few minor amendments of substance were made in the Legislative Assembly and drafting amendments were passed by the Council of State.

About the same time the Code of Criminal Procedure (Amendment) Act (No. 18) was passed. There had been no general overhaul of the Code since it was enacted a quarter of a century before and the main amending Bill had been under consideration for some years. During that period case law on the subject had multiplied to an amazing extent, and the main objects of the Bill throughout were to remove doubts in cases where High Courts had given divergent rulings as to the meaning of the law and to improve the law where it had been found to be defective.

One of the most important changes brought about is in connexion with the procedure in respect of prosecutions for offences committed in or in relation to proceedings before the Courts. Formerly, there was a dual form of procedure. A person aggrieved could obtain sanction of the Court to prosecute a witness or complainant for perjury and cognate offences. Without such sanction no Court could take cognizance of the offence, but the Court before which the offence had been committed could on its own motion take action and lay the proceedings before a magistrate. Sanction has now been abolished and in every case action is initiated upon a complaint made by the Court before which the offence was committed, acting either on its own motion or on the application of the person aggrieved. The new law provides for the establishment of special juvenile courts. It considerably revises the provisions dealing with the tender of a pardon to an accused person and with criminal lunatics. It enables fines to be recovered by procedure against immoveable property. It amends the law in regard to the use of police diaries in criminal proceedings. On the whole, it may be said that the new law provides greater safeguards in the interests of accused persons.

The Code of Criminal Procedure (Further Amendment) Act (No. 35) is of considerable importance to a section of the legal profession in that it enables the class of legal practitioners called *mukhtars* to appear as a matter of right in proceedings before Criminal Courts and not, as before, only when the Court granted permission.

A further amending Act, No. 37, removes some defects found in the main amending Act passed earlier in the year.

The Indian Penal Code is amended by Act No. 20 for the purpose of giving effect to certain articles of the International Convention for the suppression of the traffic in women and children signed at Geneva in March 1922. It elaborates the provisions of the Indian Penal Code dealing with the procuration and importation of minor girls.

Cotton.—The Cotton Transport Act (No. 3) is designed to prevent the adulteration of raw cotton. It enables the Local Government to control the movement of raw cotton in any area so as to maintain the quality and reputation of the cotton grown in any part of the province. It also enables station-masters to refuse to accept consignments of cotton for transport to a protected area or to give delivery of consignments except on the production of a licence granted under the Act.

Mines.—The Indian Mines Act (No. 4) consolidates and amends the law relating to mines previously contained in Act No. 8 of 1901.[1] In the first place, by reason of the division of functions under the Reforms scheme, the "regulation of mines" is a central subject, and it became necessary more clearly to define the functions of the Central and Provincial Governments respectively in respect of the mining law. The new law imposes upon the Central Government the duty of regulating mines and securing the safety of workers, while leaving to Local Governments minor matters of administration. Secondly, it was necessary to give effect, as far as local circumstances permitted, to certain conventions passed by the first and third meetings of the International Labour Conference. The new law, therefore, increases the age of a child from 12 years to 13 years and absolutely prohibits the employment of a child in a mine or the presence of a child in any part of a mine below ground. It prescribes a weekly day of rest and limits the hours of work above ground to 60 hours and below ground to 54 hours in any week. Power is taken to remove all persons from a mine, and not only women and children as under the previous law, in cases of urgent danger. The new law enhances some of the penalties awardable for infringement of the provisions of the Act.

Boilers.—Hitherto each province had enacted its own separate law for the regulation of steam boilers and prime movers. The Indian Boilers Act (No. 5) consolidates all the provincial enactments. In order to provide for the necessary variations in procedure in the different provinces, a considerable rule-making power is vested in the Local Governments.

Cantonments House Accommodation.—The Cantonments (House Accommodation) Act (No. 6) consolidates and amends the law on the subject previously contained in Act 2 of 1902.[2] The principal changes made are, first, to substitute for the procedure under which houses are liable to be appropriated for use on a monthly tenancy by military officers holding direct from the house-owner, a procedure under which Government takes such houses as may be required on a repairing lease for a term of at least five years. Secondly, inasmuch as individual officers became the tenants of Government and ceased to be the direct tenants of the house-owners, the new Act repeals those sections of the previous law which provided for interference in the settlement of disputes between house-owners and individual tenants. Where a military officer takes a house direct from the owner, the new law leaves disputes to be settled either by agreement or by recourse to the law courts.

Naval Armament.—The Indian Naval Armament Act (No. 7) was passed to give effect in British India to the treaty for the limitation of naval armaments signed at Washington on February 6, 1922. The Act follows closely the Statute enacted by the British Parliament.

Workmen's Compensation. — The Workmen's Compensation Act

[1] See *Journal of Comparative Legislation*, New Series, vol. iv, pt. ii, p. 236.
[2] *Ibid.*, vol. v, pt. ii, p. 334.

(No. 8) follows to a large extent the English law, supplemented as the latter has been by a considerable volume of case law. The Act aims at precision in defining the amount of compensation for death and for various injuries defined as permanent total disablement, permanent partial disablement and temporary disablement. It fixes the minimum age of an adult at 15 years. It enables the Local Government to appoint a Commissioner to settle disputes as to the liability of an employer, the extent of disablement, the amount and duration of compensation and the apportionment of compensation among dependants. An appeal lies to the High Court against certain orders of the Commissioner.

Paper Currency.—The Indian Paper Currency Act (No. 10) is a pure consolidation measure. The previous law was contained in Act 2 of 1910.[1] This Act had been amended five times. One of the amending statutes not only introduced permanent provisions in regard to the constitution of the paper currency reserve, but also enacted certain temporary provisions which were to remain in force until the permanent provisions could be brought into effect. It has been found difficult, therefore, to ascertain what was the actual law governing the Paper Currency.

Later in the year the Indian Paper Currency (Amendment) Act (No. 36) was passed for the purpose of increasing from 50 millions of rupees to 120 millions of rupees the amount of currency notes which the Government had power to issue against commercial bills of exchange. This amending Act also enables bullion derived from the melting of uncurrent and withdrawn silver coin to be held as part of the paper currency reserve.

Statute Law Revision.—The Repealing and Amending Act (No. 11) is of the usual formal character. A number of amendments in a large body of enactments was necessitated by the establishment of a High Court of Judicature at Rangoon to replace the Chief Court of Lower Burma. The only other amendment that need be noticed is one which enables the Provisional Collection of Taxes Act, No. 16 of 1918, to be applied to specific provisions of a Finance Bill instead of to the whole Bill.

Married Women's Property.—The Married Women's Property (Amendment) Act (No. 13) was enacted to remove doubts as to whether, in view of s. 2 of the Married Women's Property Act, No. 3 of 1874, s. 6 thereof, which relates to a policy of insurance effected by a married man on his own life and expressed to be for the benefit of his wife or children, applies to Hindus, Mohammedans, Buddhists, Sikhs and Jains. There had been a conflict of decisions in the various High Courts on the point. This Act lays down that the provisions of s. 6 do apply to the communities mentioned.

Cotton Cess.—The object of the Indian Cotton Cess Act (No. 14) is to provide a fund to be utilized for the improvement and development of the growing, marketing and manufacture of cotton in India. The Act provides for the levy, on all cotton produced in India and either exported or consumed in a mill in British India, of a cess at the rate of two annas per bale of 400 maunds and in the case of unbaled cotton of half an anna per 100 lb. The Act constitutes a large committee, including representatives of the principal cotton-growing provinces and of the

[1] See *Journal of Comparative Legislation*, New Series, vol. xii, pt. ii, p. 367.

Chambers of Commerce, to assist Government in the administration of the fund.

Government Savings Banks.—The Government Savings Banks (Amendment) Act (No. 16) amends the main Act of 1873 so as to enable small sums in deposit to be paid on the death of the depositor without delay or formality to the person appearing to be entitled to receive them.

Prisoners.—Difficulty had been experienced in regard to the transfer of prisoners to and from Berar, which, though administered by the Government of the Central Provinces, is not technically a part of British India. The Prisoners (Amendment) Act (No. 17) enables the Government to deal with such transfers.

Official Secrets.—The law relating to the protection of official secrets in India was an Act of the Legislature in India, namely the Indian Official Secrets Act, 1889, as amended in 1904, and a Statute of Parliament, namely the Official Secrets Act, 1911. The provisions of the British Statute had been, as the result of experience gained during the war, considerably modified by the enactment of the Official Secrets Act, 1920. The latter Statute, however, does not apply to British India. It was found unsatisfactory to have two separate laws in force simultaneously in India and it seemed desirable to enact for India the more effective provisions introduced in the English law by the Statute of 1920. The Indian Official Secrets Act (No. 19) was therefore enacted to assimilate the law in British India to that in force in the United Kingdom.

Merchant Shipping.—The Indian Merchant Shipping Act (No. 21) is a pure consolidation measure. The first Act on the Indian Statute Book dealing with the subject was passed in 1838 and the last in 1920 and the difficulty of ascertaining the law was considerable. Amendment of the law in many respects was desirable and consolidation was undertaken as a preliminary step. The consolidation was undertaken by the Statute Law Revision Committee. Altogether 26 enactments were repealed in whole or in part.

Legal Practitioners (Women).—The Legal Practitioners (Women) Act (No. 23) was passed to remove doubts as to the right of women to be admitted and enrolled as legal practitioners and to practise, and it declares that any rule or order denying that right should be void.

Civil Procedure.—The Code of Civil Procedure (Amendment) Act (No. 26) exempts from attachment in execution of a decree the whole of salaries not exceeding Rs. 40 instead of Rs. 20 as heretofore. The Code of Civil Procedure (Amendment) Act (No. 29) amends the law so as to provide that a decree for restitution of conjugal rights shall not be enforced by detention in the civil prison.

Income-tax.—The law relating to income-tax was twice amended in the year by Acts Nos. 15 and 27. The amendments made are for the most part of little importance, but the latter Act provides a procedure for taxing the profits of shipping owners who reside out of British India and whose vessels call occasionally at British Indian ports.

Indigo Cess.—The Indigo Cess (Repealing) Act (No. 28) repeals the Acts which provided for the levy of a cess on indigo exported from British India.

Marriage.—The Special Marriage (Amendment) Act (No. 30) enables persons professing the Hindu, Buddhist, Sikh or Jaina religions to take advantage of the provisions of the Special Marriage Act, 1872, and lays

down the consequences of marriages contracted by members of these communities under the Act.

Lunacy.—The Indian Lunacy (Amendment) Act (No. 32) requires an order for the reception of a lunatic in an asylum to be given effect to within 30 days and lays down that a reception order shall be of no effect after the discharge of the lunatic in accordance with the provisions of the main Act, No. 4 of 1912.[1]

Indian Army Act.—The Indian Army (Amendment) Act (No. 33) removes some technical difficulties due to the absence of reference to the Air Force in the Indian Army Act, 1911.[2] It further enables the reports of chemical examiners on matters submitted to them for analysis or report to be used as evidence in proceedings under the Act. Finally, it lays down the procedure to be followed by the officer presiding over a Court-martial when the Court finds that the person charged is of unsound mind and incapable of making his defence or that he committed the act charged but was insane at the time. The procedure laid down is similar to that prescribed by the ordinary criminal law.

Land Acquisition.—The Land Acquisition (Amendment) Act (No. 38) enables any person, interested in land in respect of which a preliminary notice has been issued by the Government that it is to be acquired for a public purpose or for a company, to lodge an objection. An inquiry is held and the Government gives its final decision in the matter. The Local Government may direct that objections shall not lie in certain cases where the acquisition is a matter of urgency, as, for instance, when, owing to a change in the channel of a large river, it is necessary for a railway company to take immediate steps. A further amendment lays down that the value of the land to be determined in acquisition proceedings is the value on the date of the issue of the preliminary notification and that improvements made after that date are not to be taken into account in assessing compensation.

Ports.—The Indian Ports (Amendment) Act (No. 39) amends the law so as to prevent the discharge of oil or of oil mixed with water in the waters of a port.

Electricity.—The Indian Electricity (Amendment) Act (No. 40) extends to railway administrations the powers possessed by electrical supply companies to apply to a magistrate for the removal of trees or structures interfering or likely to interfere with aerial lines.

Mohammedan Religious Endowments.—The Mussalman Wakf Act (No. 42) requires administrators of endowed properties to supply to the Civil Court statements in regard to the description and income of the property, the expenditure in connexion therewith and the various charitable objects to which the funds of the trust are devoted. On publication of this statement any person may apply for an order demanding further particulars. The Act requires an annual statement of accounts and audit to be supplied to the Court. It does not apply to endowments administered officially or by a Receiver appointed by the Court or under a scheme settled by the Court. The Local Government has power to exempt other endowments from the provisions of the Act.

Stamps.—The Indian Stamp (Amendment) Act (No. 43) enhances the duty on certain instruments. The revenue from non-judicial stamps is a source of provincial revenue; but it was thought that on these

[1] See *Journal of Comparative Legislation* New Series, vol. xiv, pt. i, p. 70.
[2] *Ibid.*, vol. xiii, pt. ii, p. 328.

particular instruments, namely share certificates, letters of allotment of shares, letters of credit and proxies, the duty should be uniform throughout British India.

The Acts not specifically referred to above were of minor importance or were not of general interest.

2. ACTS OF THE GOVERNOR-GENERAL.

Finance.—The Indian Finance Bill for 1923, which provided *inter alia* for the doubling of the existing duty on salt, was introduced in the Legislative Assembly, which passed the Bill in an amended form so as to provide for the imposition of the duty on salt at the previously existing rate of one rupee four annas per maund. The Governor-General thereupon, under s. 67B (1) of the Government of India Act, recommended it to the Council of State practically in the form in which it had been originally introduced in the Assembly. The Council of State passed the Bill in the form in which it had been recommended and the Bill as so passed was then recommended to the Legislative Assembly, which again amended the clause providing for the salt duty by reducing it to one rupee four annas. Thereupon, the Governor-General, in exercise of the powers conferred by subsection (2) of the section mentioned above, certified the Bill and the Bill thereupon became law as an Act made by the Governor-General in the form in which it had been recommended and in which it had been passed by the Council of State. The other provisions of the Bill made no important changes in the existing rates of taxation.

3. MADRAS.

Acts passed—7.

Criminal Law.—An Ordinance made by the Governor-General in August 1922 under s. 72 of the Government of India Act provided a special procedure for the speedy trial of offences certified to be connected with the rebellion in Malabar which had necessitated the enforcement of martial law. This ordinance had six months' duration only and the Malabar (Completion of Trials) Act (No. 1) re-enacted its provisions. The Madras Act was supplemented by Act No. 2 of the Indian Legislature, as mentioned above.

Charitable and Religious Endowments.—The Prince of Arcot Endowments Act (No. 2) lays down specific rules for the better management of the charitable and religious endowments under the control of the Prince of Arcot in the Presidency of Madras. The rules provide for the appointment by the Prince of an Agent ; the appointment is to be subject to the control of the Government. An advisory committee of five persons is also constituted.

Municipalities.—The Madras City Municipal (Further Amendment) Act (No. 3) amends the main Act for the purpose of laying down that the Municipal Commissioner and other officers of the municipality shall be whole-time servants of the corporation.

Ports.—The Madras Port Trust (Amendment) Act (No. 4) amends the law regarding the constitution of the Board of Trustees for the Port of Madras and exhaustively defines the powers, duties and liabilities of the Trustees.

State Aid to Industries.—The Madras State Aid to Industries Act (No. 5) constitutes a new departure in Indian legislation. The object of the measure is to afford assistance to new or nascent industries or industries of economic importance. The forms of aid contemplated by the law are loans, subsidies for the purchase of machinery and for the conduct of research, state guarantees either of a minimum return on the paid-up capital of the enterprise or of the due discharge of cash credits, overdrafts or advances allowed by a bank, and lastly the taking up by the State of shares or debentures. Loans or advances are secured as a charge upon the whole assets of the enterprise. The Local Government is further enabled to assist by making grants on favourable terms of land, raw material, fire-wood or water, which are the property of the Local Government. Until the liabilities of the enterprise to Government are discharged, Government has the power to control the distribution of profits.

Stamps.—The Madras Stamp (Further Amendment) Act (No. 6) amends the General Act dealing with stamps in Madras in a few respects with the object of producing more revenue. It supplements the main amending Act, No. 6 of 1922.[1]

Universities.—The Madras University Act (No. 7) was enacted for the purpose of reorganizing the University of Madras as a teaching and residential university, while enabling the University to continue to exercise due control over the quality of the teaching given by the colleges constituting the University or affiliated to it. The Act follows to a considerable extent the provisions of the Dacca University Act passed by the Indian Legislative Council in 1920, an Act which formed a model for numerous University Acts since passed in the Central and in the Provincial Legislatures.

4. BOMBAY.

Acts passed—11.

Entertainments Duty.—The Bombay Entertainments Duty Act (No. 1) was passed with the object of raising revenue. It imposes a tax in the case of race-courses amounting to 50 per cent. of the charge for admission and in other cases at lower rates.

Opium.—The Opium (Amendment) Act (No. 2) confers powers of seizure and provides for the disposal of articles seized and persons arrested.

Rent.—The Bombay Rent (War Restrictions) Amendment Act (No. 3) extends the duration and amends certain details of the Bombay Rent (War Restrictions) Act, 1918.[2]

Education.—The Bombay Primary Education Act (No. 4) provides for the progressive development and expansion of primary education so as to reach the goal of universal, free and compulsory elementary education for boys and girls. It provides that local authorities may, or, when so required by the Local Government, shall submit a scheme to the Local Government. If the scheme is sanctioned, the Government is required to bear from one-half to two-thirds of the cost. In case of default by a local authority, the Government can appoint an officer to

[1] See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. iii, p. 139.
[2] *Ibid.*, vol. ii, pt. ii, p. 129.

prepare and carry out a scheme and can levy the cost from the authority in default.

Ports.—The Bombay Port Trust (Amendment) Act (No. 5) amends the constitution of the Board of Trustees for the Port of Bombay.

Local Authorities.—The Bombay Local Boards Act (No. 6) consolidates and amends the law relating to local boards and local funds. The law provides for the constitution of a local board in every district, three-fourths of the members of which are to be elected. The remainder are nominated by Government, but not more than half of these can be officials. The income of local boards is mainly derived from a cess varying from one to two annas in the rupee on land revenue paid to Government and a cess at approximately the same rate on water-rate payable under the Irrigation Act. To these are added *inter alia* receipts from ferries, from Government properties managed by local authorities, from tolls on bridges and roads vested in the local authority and certain sums levied as fines and penalties. The district board with previous sanction may levy certain other taxes. Local boards are required to look after the construction and repair of roads, hospitals, dispensaries, markets, rest-houses, public tanks, wells and water-works, and to provide and maintain primary schools and to foster the general development of primary education. The board will be in charge of public vaccination and other sanitary works. The above duties are obligatory. A local board may at its discretion expend its funds on the maintenance of model farms, the improvement of the breed of cattle and horses, the advancement of agriculture and local industries, famine relief and the construction of light railways.

Boilers.—The Bombay Boiler Inspection (Amendment) Act (No. 7) revises the rates for inspection of boilers.

Ferries.—The Bombay Public Ferries (Amendment) Act (No. 8) enables the Local Government to vest a public ferry in a local body.

Prostitution.—The Bombay Prevention of Prostitution Act (No. 11) consolidates and amends the law on the subject and gives extensive powers to the police and magistracy to deal with solicitation, procuration and the keeping of brothels.

The other Bombay Acts of 1923 were amending Acts of little or no importance.

5. BENGAL.

Acts passed—13.

Criminal Law.—The Goondas Act (No. 1) was enacted to enable the Government to deal with hooliganism of a particularly criminal type in Calcutta, the ordinary law having been found inadequate to deal with this class of crime. Under the Act, magistrates and certain police officers can submit reports in respect of any person to the Local Government, which places the report before two advising sessions judges. The judges, after an inquiry *in camera*, report to the Local Government and the Government, if satisfied that the person should be removed, may direct him to leave Bengal or, if he is a member of a family settled in Bengal, to remove himself from Calcutta and its vicinity. The orders of the Local Government are not subject to revision by the Courts.

Rent.—The Calcutta Rent (Amendment) Act (No. 2) extends for

nearly a year the duration of the Calcutta Rent Act, 1920.[1] The duration has since been extended for a further period of three years.

Municipalities.—The Calcutta Municipal Act (No. 3) and the Calcutta Municipal (No. 2) Act (No. 11) consolidate and amend the law relating to the municipal affairs of the town and suburbs of Calcutta. Act No. 3 contains 558 sections and numerous lengthy schedules and it is impossible even to summarize its provisions here. It is, however, worthy of mention that the Act provides that municipal councillors shall take an oath of allegiance to the Crown and it enables the Local Government to declare that a Councillor has violated his oath and that his seat is vacant.

Ports.—The Calcutta Port (Amendment) Act (No. 6) amends the Calcutta Port Act, 1890, so as to enable the Port Commissioners to set aside sums out of the revenue surplus to form a reserve fund for certain contingencies.

Aerial Ropeways.—The Bengal Aerial Ropeways Act (No. 7) was enacted to authorize, facilitate and regulate the construction of aerial ropeways in Bengal for the carriage of passengers, animals and goods. Powers are vested in the Local Government under the Act, which is on the same lines as the United Provinces Act, No. 1 of 1922.[2]

Tenancy.—The Bengal Tenancy (Utbandi Amendment) Act (No. 10) introduces some somewhat technical amendments in regard to the law governing a particular class of land tenure peculiar to Bengal.

Prostitution.—The Calcutta Suppression of Immoral Traffic Act (No. 13) is on the same lines as Bombay Act No. 11 of 1923 referred to above.

The other Bengal Acts passed during the year either were of purely local interest or made unimportant amendments in the existing law.

6. UNITED PROVINCES.

Acts passed—8.

Tenancy.—The Oudh Rent (Amendment) Act (No. 1) was enacted to correct an oversight in the Oudh Rent (Amendment) Act, 1921, by which certain notices of ejectment against tenants which that Act was really intended to invalidate had by reason of defective drafting been kept alive.

Excise.—The United Provinces Excise (Amendment) Act (No. 2) amends the main Act of 1910.[3] Under the law it was an offence to sell spirit to a young person under 16 years of age or to employ in a liquor shop a child under the age of 14. The main object of the amendments made by Act No. 2 is to penalize the sale of any form of liquor to, and the employment in liquor shops of, young persons under 18 years of age. The Act also enhances certain penalties particularly in regard to offences concerning cocaine.

Court Fees.—The United Provinces Court Fees (Amendment) Act (No. 3) makes further amendments in the General Act in its application to the United Provinces with the object of raising revenue. Its duration is limited to one year.

Stamps.—The United Provinces Stamp (Amendment) Act (No. 5),

[1] See *Journal of Comparative Legislation*, Third Series, vol. iv, pt. iii, p. 137.
[2] *Ibid.*, vol. vi, pt. iii, p. 141.
[3] *Ibid.*, New Series, vol. xii, pt. ii, p. 371.

passed in the first place for one year only, but since continued by legislation for a further year, makes temporary amendments in the general law in its application to the United Provinces.

Motor Vehicles. — The United Provinces Motor Vehicles Taxation Act (No. 6) prescribes a system of licences and taxes on a considerable scale for all motor vehicles. Motors used for trade purposes are to be taxed according to their weight and other motors according to their seating capacity. The object is to raise revenue. The Act is limited in the first place to a duration of one year. A proposal to extend its operation has not yet received legislative sanction.

The other Acts passed in 1923 were either of temporary duration and are now spent or made unimportant textual amendments in the existing law.

7. PUNJAB.

Acts passed—6.

Industrial Loans.—The Punjab Industrial Loans Act (No. 1) is a much simpler measure than the Madras State Aid to Industries Act mentioned above. It enables an industrial concern, whether owned by a company, a firm or an individual, to apply to Government for a loan, at the same time executing a deed undertaking to apply the loan to the purposes for which it is granted and to fulfil any conditions of the loan. The Act itself does not specify any other conditions on which a loan may be granted, but leaves the matter to the discretion of the Government or of the officer to whom it delegates its powers in this respect.

Municipalities.—The Punjab Municipal (Amendment) Act (No. 2) makes a large number of amendments in the principal Act of 1911.[1] They are not of sufficient importance to be referred to in detail.

Local Option.—Under the Punjab Local Option Act (No. 5) a district board or municipality, empowered at its own request in this behalf by the Local Government, may by resolution restrict the number of liquor shops in its jurisdiction to one-half or one-third of the number existing on March 31, 1923; and by a resolution, approved on a referendum by two-thirds of the electors, the local body may still further restrict the number of shops or prohibit the sale of liquor entirely. The Collector of the district is not bound by these resolutions if he records his opinion that illicit distillation has been carried on in the period of two years immediately preceding the date of the resolution, but he may be overruled in this respect by the Commissioner. Certain powers are reserved to the Government in regard to foreign liquor.

Opium Smoking.—The Punjab Opium Smoking Act (No. 6) controls the practice of opium smoking within municipalities and cantonments in the Punjab. It penalizes with imprisonment up to six months any member of an assembly of three or more persons met together with the common object of smoking opium and any person who keeps any place for such a purpose. The owner of the place is also penalized if he fails to give notice to the authorities of the unlawful use of his premises. The Act confers special powers of search and arrest and of destruction or confiscation of opium or articles used in the smoking-den. It also enacts a special rule of evidence to the effect that the seizure of opium or of

[1] See *Journal of Comparative Legislation*, New Series, vol. xiii, pt. ii, p. 332.

opium pipes in any place where three or more persons are assembled shall raise a presumption that every person present was there with the object of smoking opium.

Acts Nos. 3 and 4 were unimportant.

8. BURMA.

Acts passed—6.

Rent.—The Rangoon Rent (Amendment) Act (No. 1) extends for two years the duration of the Rangoon Rent Act, 1920.[1]

Deputy President's Salary.—The Deputy President's Salary Act (No. 2) fixes the salary of the Deputy President of the Burma Legislative Council at Rs. 5,000 per annum. Similar Acts were passed in other provinces two years earlier. The Reforms inaugurated by the Government of India Act, 1919, did not come into operation in Burma till later.

Local Authorities.—The Local Bodies' Banking Facilities Amending Act (No. 5) amends the Burma Municipal Act, 1898, the Rangoon Development Trust Act, 1920, the Burma Rural Self-Government Act, 1921, and the City of Rangoon Municipal Act, 1922, in order to enable the funds of the various local bodies constituted by these Acts to be invested in, or deposited with, co-operative banks.

The other Acts passed in the year were unimportant amending measures.

9. BIHAR AND ORISSA.

Acts passed—6.

Local Self-Government.—The Bihar and Orissa Local Self-Government (Amendment) Act (No. 1) makes a large number of amendments in the Bengal Local Self-Government Act, 1885, as in force in Bihar and Orissa. The object of the Act is to secure the greater freedom of local bodies from official control. It provides a system of direct election to district and local boards and reduces the number of nominated members.

Food and Drugs Adulteration.—The Bihar and Orissa Food Adulteration (Amendment) Act (No. 4) amends the Bihar and Orissa Food Adulteration Act, 1919,[2] so as to extend its provisions to drugs.

State Aid to Industries.—The Bihar and Orissa State Aid to Industries Act (No. 6) is modelled on, and closely follows the provisions of, the Madras Act, No. 5 of 1923, mentioned above. The Bihar and Orissa Act, however, lays down that no State aid shall be given to a joint stock company unless the company is registered in India with rupee capital and has a specified minimum proportion of Indians as directors.

The other Acts passed were amending measures of little importance.

10. CENTRAL PROVINCES.

Acts passed—9.

Court Fees and Stamps.—Acts Nos. 1 and 2 amend the general law of court fees and stamps as in force in the United Provinces and enhance

[1] See *Journal of Comparative Legislation*, Third Series, vol. iv, pt. iii, p. 139.
[2] *Ibid.*, vol. iii, pt. iii, p. 133.

many of the duties payable under the law with the object of raising revenue. The Acts remain in force only up to March 31, 1926.

Deputy President's Salary.—A Retrenchment Committee appointed by the Local Government recommended that the post of the Deputy President of the Local Legislature should be honorary and the Deputy President's Salary (Repealing) Act (No. 3) was passed accordingly.

Universities.—The Nagpur University Act (No. 5) constitutes a new university at Nagpur. The provisions of the Act exhibit no striking variation from the provisions of the various Universities Acts which had recently been passed in other Legislatures in India.

Land Revenue and Tenancy.—Acts Nos. 6 and 7 provide mainly for decentralization and delegation of the powers vested in the higher revenue authorities.

Courts.—The Central Provinces Courts Act, 1917, required the Judicial Commissioner to be appointed from among the judges of the Courts. When the last vacancy occurred in the office of Judicial Commissioner, a judge from another province had been appointed who had not been first appointed a judge of the Court. The chief object of the Central Provinces Courts (Amendment) Act (No. 8) is to validate the appointment and all acts of the Court taken since the appointment and to provide that for the future the Judicial Commissioner need not necessarily be selected from among the judges of the Court. The Act also constitutes the old class of munsiffs as a second class of subordinate judges and enhances the pecuniary limits of their jurisdiction.

The Acts not specifically referred to above were minor amending measures.

11. ASSAM.

Acts passed—2.

Municipalities.—The Assam Municipal Act (No. 1) enacts a complete code for the organization and administration of municipalities in Assam. Hitherto the law in force had been the Bengal Municipal Act, No. 3 of 1884. The new law is modelled on the municipal Acts in force in the larger provinces and its provisions are too numerous to explain in detail.

Juvenile Smoking.—The Assam Students and Juvenile Smoking Act (No. 2) penalizes with fine the sale of smoking requisites to any person under 16 or to any student under 18 years of age, but it is no offence in these cases to sell tobacco other than cigarettes if the salesman did not know or had no reason to believe that the tobacco was for the use of the young person or student purchasing it. One section of the Act enumerates a very large class of persons (including members of the Assam Legislative Council) who are empowered to seize and destroy tobacco, cigarettes, etc., found on any person apparently under the prescribed limits of age who is smoking in public. The Local Government may exempt any locality from the operation of the Act.

12. REGULATIONS UNDER S. 71, GOVERNMENT OF INDIA ACT.

The Arakan Hill District Laws (Amendment) Regulation (No. 1) declares and amends the law in regard to taxation in the Hill District of Arakan.

The Coorg Courts (Amendment) Regulation (No. 2) enhances the pecuniary limits of the jurisdiction of the subordinate Courts in Coorg.

The North-West Frontier Province Law and Justice (Amendment) Regulation (No. 3) repeals the provision of the law in force in the North-West Frontier Province which gave power to Appellate Criminal Courts to enhance sentences.

13. ORDINANCES UNDER S. 72, GOVERNMENT OF INDIA ACT.

No ordinances were promulgated in 1923.

VI. EASTERN COLONIES.

1. CEYLON.

[*Contributed by* L. MAARTENSZ, Esq., *District Judge, Colombo.*]

Twenty Ordinances were passed during the year, of which the following are the more important:

Indian Immigrant Labourers.—The Labour Ordinance (No. 1) amends the law relating to Indian immigrant labourers, and is to be read, so far as is consistent, with the Labour Ordinances, No. 11 of 1865 and No. 13 of 1889.

Ss. 3 and 4 provide for the creation of a Department of Indian Immigrant Labour, with a Controller appointed by the Governor at the head. The Controller takes the place of the Government Agent referred to in the Ordinances of 1865 and 1889.

The duty of the Controller is to carry out the provisions of the Ordinance or any of the Ordinances relating to Indian immigrant labourers and the measures adopted for the encouragement of the introduction of such immigrant labourers into the colony. The Governor is empowered to appoint such Deputy Controllers, medical officers, inspectors and other officers as may be necessary for carrying out the provisions of the Ordinance.

Provision is made for the appointment of an Emigration Commissioner for the purpose of supervising and controlling the recruitment of unskilled labourers in India with a view to their emigration to Ceylon.

S. 2 defines the terms "Indian immigrant" and "Indian immigrant labourer." The former means any Indian who emigrates or has emigrated to Ceylon, and includes any dependant of an immigrant. The latter means (*a*) any Indian immigrant who comes to Ceylon under an agreement to perform unskilled work for hire in Ceylon; (*b*) any Indian immigrant who is assisted to come to Ceylon otherwise than by a relative, if he comes for the purpose or with the intention of performing unskilled work for hire in Ceylon.

"Employer" means the proprietor of an estate and any person who employs any Indian immigrant labourer, and includes the agent, the superintendent or manager of any such proprietor or person.

The Controller and the other officers already mentioned may enter upon any premises on which Indian immigrant labourers are employed to inspect the condition of such labourers, their housing accommodation and the means provided for the medical treatment of such labourers.

These powers may be exercised by any agent appointed by the Govern-

ment of India for the purpose of safeguarding the interests of Indian immigrant labourers in Ceylon.

The Governor may, under s. 9, appoint a Board of Indian Immigrant Labour consisting of not less than nine and not more than twelve persons, with the Controller as *ex-officio* chairman, to advise the Controller in regard to matters under the Ordinance. The Board is a purely advisory body and cannot exercise any administrative or executive functions. The members hold office for a period of three years.

Ss. 11–15 provide for the establishment of an Immigration Fund, the purpose for which this fund may be used, and the manner in which the funds may be provided—namely, by the recovery of such fees from employers as may be prescribed by the Governor in Executive Council.

S. 16 empowers the Emigration Commissioner to issue licences to such persons as he may think fit to act as emigration agents. S. 17 prescribes the manner in which application should be made to the Controller by any person desiring to obtain Indian immigrant labourers.

Labourers introduced into Ceylon, immediately on entry of the vessel containing them into territorial waters, come under the care and protection of the Controllers until they reach their place of employment.

Contracts of service are limited to one month. Advances made in India to labourers are not recoverable in Ceylon.

The agent of the Government of India may, for the reasons specified in s. 22, repatriate any Indian immigrant labourer who has been assisted to come to Ceylon at the cost of the Immigration Fund. The Controller may exercise these powers if the Government of India has not appointed an agent.

Employment of Women, Young Persons and Children.—Ordinance No. 6 gives effect to certain conventions adopted at the Conference of the International Labour Organization of the League of Nations held at Washington on November 28, 1919, and at Genoa on July 9, 1920.

In this Ordinance " child " means a person under the age of fourteen years ; " young person " means a person who has ceased to be a child and who is under the age of eighteen years ; " woman " means a woman of the age of eighteen years or upwards. " Industrial undertaking " has, with respect to the employment of children, young persons and women, the meanings respectively assigned thereto in the conventions set out in Parts I, II and III of the Schedule to this Ordinance. " Ship " means any sea-going ship or boat of any description which is registered in the colony as a British ship.

The provisions of the Ordinance are in addition to and not in derogation of any of the provisions of any other Ordinance restricting the employment of women, young persons and children. It does not apply to an industrial undertaking or ship, in which only members of the same family are employed. It does not prevent the employment in any industrial undertaking or ship of a child lawfully so employed at the commencement of this Ordinance (s. 3).

S. 4, subsections 1 and 2 prohibit the employment of children (*a*) in any industrial undertaking ; (*b*) in any ship except to the extent to which and in the circumstances in which such employment is permitted by the convention set out in Part IV of the Schedule to the Ordinance.

S. 4, subsections 3 and 4 prescribe when and in what circumstances young persons and women may be employed in an industrial undertaking.

The section also prescribes the penalties for breaches of the sections of the Ordinance.

A police magistrate may empower an authorized officer to enter any place where there is reasonable cause to believe that a child is employed in contravention of the Ordinance (s. 5).

Telegraphs.—The Ceylon Telegraphic Ordinance (No. 10) was introduced to prohibit the use of telegraphic apparatus on board any aircraft in Ceylon, and the importation or sale without a licence of any apparatus for wireless telegraphy.

With this object new sections have been substituted for ss. 4 and 7, which by Ordinance No. 15 of 1914 were substituted for ss. 4 and 7 of the Ceylon Telegraph Ordinance, 1908.

Reptiles.—The amendments introduced by the Game Protection Ordinance (No. 12) extend the provisions of the Game Protection Ordinance, 1909 to reptiles. The immediate object of the Ordinance is to protect the water-lizard, commonly called *Kabaragoyas*, which were being killed off for the sake of their skins, the skins being used for making shoes and other goods ordinarily made of leather.

Comrades of the Great War.—Ordinance No. 15 incorporates the Comrades of the Great War (Ceylon) Association.

Married Women's Property.—Ordinance No. 18 introduces important changes in the position of married women, other than Tamils subject to the Tesawalamai, and Kandyans and Mohammedans in relation to their property.

The sections of the Matrimonial Rights and Inheritance Ordinance, No. 15 of 1876, relating to married women are repealed. The repealed sections are based on the provisions of the Married Women's Property Act, 1870. The new Ordinance is based on the provisions of the Married Women's Property Act, 1882.

Under the Ordinance of 1876 any immoveable property to which a woman, married after the proclamation of the Ordinance, was entitled at the time of her marriage, or became entitled during her marriage, was declared to belong to the woman, but she could not dispose of it, except by last will, without the *written* consent of her husband (s. 9). The wages and earnings of a married woman derived from any employment which she carried on separately from her husband were deemed to be her separate property, and she was entitled to deal with it as if she were an unmarried woman (s. 10). Her jewellery, wearing apparel and implements of trade or agriculture requisite for carrying on any trade or business which she carried on separately from her husband belonged to her separate estate, with power to dispose of such property *inter vivos* with the consent of her husband, or by will without such consent.

S. 12 provided that in certain cases, as where a woman was deserted by her husband, a married woman may apply to the District Court for authority to dispose of her property without the consent of her husband.

By s. 19 all other moveable property of a married woman was vested subject to any settlement affecting the property absolutely in her husband. The effect of this section was that if moveable property—money, for instance—was given to a girl as dowry on her marriage, it became the absolute property of the husband. If land belonging to a married woman was sold, the money derived from the sale of the land vested in the husband; if a father executed a bond to pay money in consideration of a marriage,

and before marriage the parties separated, even in that case the husband was entitled to recover the money which was due under the bond.

The ruling principle of the new Ordinance contained in s. 5 is that a married woman may acquire, hold and dispose by will or otherwise of any property as if she were a *feme sole*. But her contracts are only to bind such parts of her separate property as she is not restrained from anticipating.

By s. 6 any will made by a married woman during the subsistence of her marriage, whether she is or is not possessed of or entitled to any separate property at the time of making it, is to be construed to speak and take effect as if it had been executed immediately before her death, unless a contrary intention is expressed in the will.

A woman who marries after the Ordinance is to have, hold and dispose of all property belonging to her as her separate property.

The other provisions to which short reference might be made are:

S. 8, which deals with the postponement of loans made by a wife to her husband in case of the latter's insolvency.

S. 9, which deals with the effect of the execution by a married woman of a general power by will.

S. 10 (1), which provides that in the case of a woman married before the commencement of the Ordinance properties acquired after that date shall form her separate property.

S. 10 (2), which provides that where immoveable property acquired by a woman before the commencement of the Ordinance is sold after that date, the proceeds of sale, whether in the form of money or otherwise, shall remain the property of the woman.

S. 11, by which sums secured in favour of a married woman by any mortgage deed executed before the commencement of the Ordinance is deemed to be the separate property of such married woman.

S. 12, which provides that all deposits in any bank and all stocks and shares standing in the sole name of a married woman at the commencement of the Ordinance are to be deemed the separate property of such woman.

S. 14 deals with investments standing in the joint names of married women and others.

S. 16 deals with investments made by a married woman with moneys of her husband without his consent.

S. 17 of the Ordinance is a most important one. In the first place, a wife may effect a policy on her own life or on that of her husband for her separate use; and in the next, provision is made for a man to insure his life for the benefit of his wife and children. In such case a trust is created in favour of the objects to be benefited, and moneys payable under the policies are not, so long as any object of the trust remains unperformed, to form part of the estate, or be subject to the debts of the insured.

By S. 18 a married woman, whether married before or after the Ordinance comes into force, has the same remedies in respect of her property as if she were unmarried; but, in the case of her husband, she cannot take criminal proceedings against him in respect of property unless such property has been wrongfully taken by him when leaving or deserting her.

After her marriage a woman remains liable for ante-nuptial debts and liabilities to the extent of her separate property; and her husband

is also liable to the extent of any property acquired by him from or through his wife (ss. 19, 20, 21).

By s. 22 a wife doing any act with respect to any property of her husband, which, if done by the husband with respect to property of the wife, would make the husband liable to criminal proceedings by the wife under this Ordinance, is liable to criminal proceedings by her husband.

S. 23 provides a summary method of application to the District Court in cases of disputes as to property between husband and wife.

By s. 24 a married woman may sue or be sued as trustee or administratrix without her husband.

S. 26 makes a married woman who has sufficient property liable to maintain her husband, and by s. 27 in certain cases to maintain her children.

In the Ordinance "immoveable property" includes land, incorporeal hereditaments and things attached to the earth or permanently fastened to anything which is attached to the earth, and any interest in land except that of a mortgagee;

"Moveable property" means property of every description except immoveable property, and includes a thing in action;

"Contract" includes the acceptance of any trust or of the office of administratrix or executrix, and the provisions of this Ordinance as to liabilities of married women shall extend to all liabilities by reason of any breach of trust or devastavit committed by any married woman being a trustee or executrix or administratrix either before or after her marriage, and her husband shall not be subject to such liabilities, unless he has acted or intermeddled in the trust or administration.

This Ordinance does not apply to women married in community of property prior to June 29, 1877.

2. HONG KONG.

[*Contributed by* C. G. Alabaster, Esq., K.C., O.B.E.]

Ordinances passed—35.

Female Domestic Service.—During the preceding half-dozen years an ever-growing agitation had taken place with a view to the abolition of what was known as the "mui-tsai" system of child employment in domestic service. Ordinance No. 1 was the culmination of this agitation. A mui-tsai is defined as a female domestic servant whose employer for the time being shall have made, directly or indirectly, within or without the Colony, any payment to any person for the purpose of securing the services of such female as a domestic servant; as well as every female domestic servant whose employer for the time being shall within or without the Colony have acquired the custody, possession or control of such female from, or upon the death of, any former employer who made any such payment as aforesaid. There is a declaratory clause which recites that whereas certain persons have erroneously supposed that the payment of money to the parent or guardian or employer of a female child, such payment purporting to be in return for the transfer of certain parental rights, may confer certain rights of property in the child and certain rights of retaining possession, custody and control of the child

as against the child's parent or guardian, and as against the child herself, it is thereby declared and enacted that no such payment can confer any such rights whatsoever upon the person making such payment or upon any other person. By other sections no person shall hereafter take into his employment any mui-tsai or any female domestic servant under the age of ten years. There are also provisions for the registration and protection of existing mui-tsai and enabling those who desire it to be restored to their parents or guardians without payment. Thus disappears a system which had been likened to slavery by its opponents and to adoption by its supporters. The influence of its abolition in the Colony will be felt far beyond the Colony's borders and may lead to its disappearance in China. Though the system led to abuses, it must not be supposed that the abuses were general. In the generality of Chinese families the mui-tsai were kindly treated and occupied a position of considerable privilege, though always lower than that of a daughter of the house.

Revision of Ordinances.—No. 18 authorized the preparation of a revised edition of the Ordinances of the Colony from 1844 to 1923 to replace the edition from 1844 to 1912 which had been prepared under No. 19 of 1911 and had been for the last ten years the authorized edition of the laws of Hong Kong.

Dangerous Drugs.—No. 22 applies to morphine, cocaine, ecgonine and diamorphine (commonly known as heroin) and their respective salts and medicinal opium (that is to say, raw opium which has been artificially dried), and any preparation, admixture, extract or other substance containing not less than one-fifth per cent. of morphine or one-tenth per cent. of cocaine, ecgonine or diamorphine. The importation and export of these dangerous drugs except under and in accordance with licence are forbidden. Special provision is made for drugs in transit which appear in the manifest. The use of the post for such purpose is also prohibited except under licence.

Cinematograph Films.—No. 23 makes provision for the prevention of fire in premises where raw celluloid or cinematograph film is stored or used.

Frauds on Creditors.—By No. 25 whenever any business is transferred, the transferee is made responsible for all the liabilities incurred in the business by the transferor unless due notice in accordance with the Ordinance shall have been given by advertisement published in the *Gazette* and in approved newspapers.

Opium.—No. 30 amends and consolidates the law relating to opium. Except in the case of raw opium imported by the superintendent and of Indian raw opium imported under a through bill of lading for the Macao Government from the Government of India, the import, export and possession of raw opium are forbidden. The exclusive right of preparing and selling prepared opium in the Colony is vested in the Superintendent, who is authorized to grant licences for its sale by retail in the Colony. The possession, except by the Superintendent or one of his licensees, of more than five taels of prepared opium is forbidden, as is also the sending of any opium by post. If any ship is proved to have been used for the importation, landing, removal, carriage, conveyance, storage or exportation of any opium in contravention of the Ordinance, the owners, agents and master are made personally responsible, unless it is proved that every reasonable precaution has been taken to prevent the unlawful

use of such ship and that none of the officers or of their servants or of the crew of such ship were implicated.

Passports.—By No. 35 the Governor in Council is empowered to make regulations for prohibiting any person or any person of any specified class from entering the Colony by sea, land or air without a passport or without either a passport or some other approved document establishing the nationality and identity of such person.

The other Ordinances of the year 1923 are without special interest.

3. STRAITS SETTLEMENTS.

[*Contributed by* A. de MELLO, ESQ.]

Ordinances passed—26.

Companies.—No. 13 re-enacts, with the under mentioned amendments, Ordinance No. 155 of 1913, which it repeals.

S. 4 (3) and (4) introduces penalties in connexion with partnerships made illegal by the prior sub-clauses of that section.

Ss. 17 and 152 eliminate all reference to "specialty," which in the Ordinance of 1913 was misleading in view of the fact that Ordinance No. 56 (Limitations) follows the Indian law to which "specialty" is unknown.

S. 29 (3) is amended to make it clear that the balance-sheet filed with the Registrar must be signed and certified, as required by s. 117 (3), and that it must conform with the requirements of s. 64 (1).

S. 68 (1) reduces the time for holding a statutory meeting from six to three months, as in England.

S. 96 (9) fixes a time-limit of twenty-one days for registering particulars of further issue of debentures; and sub-s. (14) of the same section follows the wording of the English Act of 1907 (7 Edw. VII, c.50) to make it clear that a company must register the mortgages or charges which it creates.

S. 111 (6) is new. By penalizing loans to directors and other functionaries, it carries out the policy of protecting depositors, which led to the enactment of s. 108 in the Ordinance of 1915 after the disastrous failure of the Chinese-managed "Kwong Yik Bank" at Singapore in 1913.

S. 199 (3) follows the practice of the English Act in allowing a creditor or contributory to take part in the public examination of an officer of a company in liquidation.

Ss. 199 and 249 (5) and (7) have been altered to agree with the practice, which has proved convenient, of paying moneys into the "Companies' Liquidation Account" at the Government Treasury.

S. 290 (4) has been re-drafted to state the requirements of the balance-sheet; hence, a non-local private company is required to file a balance-sheet, whereas it has hitherto been doubted whether there was any means of compelling it to do so. Further, it requires even a foreign company to disclose its mortgages.

S. 290 (5) requires a non-local company to disclose information as to the appointment of a liquidator or a receiver.

S. 298 (1) removes the restriction on the Registrar's power to fine up to $25 without resort to the Court.

Fraudulent Debtors.—No. 16 is a special Ordinance which segregates and re-enacts the general penal provisions contained in ss. 110 and 112 of Ordinance No. 44 (Bankruptcy). It leaves, however, untouched the sub-section of those sections of the old Ordinance creating a presumption

of fraud against one who, with a judgment of $250 entered up against him, obtains credit.

A re-casting of the whole law relating to bankruptcy is under consideration.

Midwives.—No. 11, based on the Midwives Act, 1902 (2 Edw. VII, c. 17), the Midwives (Scotland) Act, 1915 (5 & 6 Geo. V, c. 91), the Midwives (Ireland) Act, 1918 (7 & 8 Geo. V, c. 59) and the Midwives Act, 1918 (8 & 9 Geo. V, c. 43), is intended to secure that the practice of midwifery is confined to properly qualified persons only, which the previous Ordinance (No. 150) did not effectively do. Provision is now made for the control of registered midwives by a Central Midwives Board consisting of professional men. Local superintendence is in the hands of the Registrar of the different areas to which the Ordinance is made applicable. Removal from the roll of midwives is in the hands of the Central Board, but appeal from its decision lies to the Supreme Court.

Post Office.—No. 23 re-enacts, with amendments, the Ordinance of 1904, which it repeals, introducing, among the more important innovations, provisions for the conveyance of mails by air (ss. 11, 16, *seq.*) ; conversion of the old Government Savings Bank into the Post Office Savings Bank (chap. xii, ss. 56–64) ; " dubbed packets " (s. 11 (4)) ; the " cash on delivery " system for postal articles (ss. 42–3) ; prohibition of the transmission of narcotics by post (s. 26 (3)) ; the interception of postal articles in time of emergency (s. 25) ; and in regard to the liability of the Government and the Post Office Department for payment of compensation in the case of loss of, or damage to, registered or insured articles in the course of transmission by post (ss. 12, 35, 36 and 41). Such compensation is now made payable only at the discretion of the Postmaster-General, and is not legally exigible, as in certain cases it was formerly. The abolition of this liability brings the Colony into line with the English law.

4. FEDERATED MALAY STATES.

(*Contributed by* A. de Mello, Esq.)

Enactments passed—29.

Customs.—The Customs Enactment, 1920, was a mere federalization of the then existing enactments of the individual States, and it was felt that it did not adequately provide for the conduct of customs business. Hence, the present measure (No. 6) includes in one enactment the provisions of the Registration of Imports and Exports Enactment of 1918, and of the amended Customs Enactment (No. 31 of 1920) ; and the scope of the repealed enactments has been extended by the inclusion of provisions (Parts X and XI) relative to drawback and warehousing (formerly matters regulated by Rules made under the enactments, and not by the enactment itself), while the issue of port-clearances (Part VII) has now been entrusted to the Customs Department. The new provisions of the enactment have been drawn from the Customs Consolidation Act, 1876, of the United Kingdom (39 & 40 Vict., c. 36), from the Indian Sea Customs Act, 1878, and from the Ordinances of the Straits Settlements Colony relating to revenue.

Excise.—No. 5 consolidates and amends the law relating to excise, hitherto contained in the Excise Enactment, 1915, and its six amending

enactments. The new material has been taken for the most part from the revenue Ordinances of the Straits Settlements, and, in particular, from the Liquors Revenue Ordinance, 1909. The enactment follows generally the lines of the Customs Enactment (*supra*).

Fisheries.—The appointment of a Director of Fisheries involved an examination into the adequacy and stability of the existing laws governing fishing, hitherto contained in a few unrepealed sections of the Lights and Small Shipping Enactments (passed in the individual States in 1902), which merely conferred rule-making powers and in an old enactment of 1898 (Fish Protection) prohibiting tuba-fishing in the several States of the Federation. The present enactment (No. 28) is a more comprehensive measure, and confers such powers as are necessary for the proper working of a Fisheries Department.

A similar Bill is under consideration in the neighbouring Colony, and it is intended to legislate on identical lines in both administrations.

Labour.—In the recent negotiations with the Government of India concerning the conditions of immigration and employment of Indian labourers in British Malaya, the Governments of this latter country (Straits Settlements and Federated Malay States) had pledged themselves to make various alterations in the Labour Code (Enactment No. 6 of 1912) in exchange for the special facilities for emigration accorded under the new Emigration Act of the Indian Legislature. These alterations have involved the repeal of a number of sections in the old Code creating offences by labourers for breaches of labour discipline, and provision has also now been made for certain new matters, such as standard wages, maternity allowance and education. In addition to Indian requirements, some sections relating to contracts were obsolete and, therefore, had to be repealed, while numerous other amendments were called for to simplify and improve administration, mainly in the light of experience during the ten years that had elapsed since the passing of the Labour Code of 1912. The benefit of changes made at the instance of India has, except where obviously impracticable or unsuitable, been extended to labourers of all other nationalities. In view of the somewhat complex nature of the alterations made and the frequent amendments effected in the past, the Code of 1912 has been repealed and re-enacted with amendments (No. 18).

A parallel law (Ordinance No. 14) has been simultaneously passed in the Straits Settlements, thus fulfilling the pledge given to the Government of India.

Mineral Ores.—No. 16 reproduces the provisions of the existing State enactments relating to the purchase and smelting of tin-ores (the production of which forms such a large part of the industry of the country), but in consolidating and amending the existing law it makes provision for cases where experience had shown its incompleteness. The main new provisions relate to the account-books to be kept by the person licensed to purchase and sell such tin-ore (s. 15), the necessity of all tin-ore in transit being accompanied by a document (s. 17), powers of arrest and search given to police officers (ss. 19–21), and vesting the Warden of Mines with magisterial powers (s. 24).

Ports.—No. 7 consolidates and amends, on the model of Part XI of the Merchant Shipping Ordinance of 1910 of the Straits Settlements, the law relating to Harbours and Small Shipping. The Harbours enactments of the four separate States (passed 1891–1898) are re-enacted as a Federal enactment, the only material change being the revision of the sections

dealing with port-clearances (as to which, *vide* Part VII of the Customs enactment, reviewed *supra*). The provisions of the Lights and Small Shipping Enactment, 1902, relating to registration of boats, have been re-enacted, and incorporated as ss. 40 to 51 in the new enactment, while those relative to the imposition of light-tolls have been done away with altogether.

5. MAURITIUS.

[*Contributed by* H. W. PRICHARD, ESQ., *Procureur-General.*]

During the year 1923 thirty-seven Ordinances were passed by the Council of Government and assented to by the Governor; of these the following are the most important or otherwise require special notice:

Gandia.—No. 8 prohibits the cultivation, importation, sale or possession of gandia (*Cannabis indica*) and was introduced in consequence of a report from the Director of the Medical and Health Department that he was satisfied that while the average number of male persons confined at any one time in the lunatic asylum was about 300, 99 admissions during the last ten years were solely attributable to the consumption of this substance and that in 20 per cent. of all cases of insanity in males gandia had been the exciting cause. The medicinal preparations specified in the Schedule are excepted as they appear in the British Pharmacopœia and are occasionally prescribed.

Municipality.—No. 13 involves a number of changes of great importance to the municipality. The principal amendments are:

(1) The abolition of the system of four wards and the return to the old *scrutin de liste* or single general roll for the whole of Port Louis.

(2) The vesting in the Municipal Council of the power to elect its own Mayor and Deputy Mayor, the only restriction being that such appointments must be confirmed by the Governor.

(3) The extension of the qualification of voters at municipal elections to persons in receipt of Rs. 1,200 yearly salary, and to guardians of minors who are owners of immoveable properties of Rs. 500 value.

(4) The disqualifying of certain classes of convicted persons and of persons who have allowed judgment debts to remain unsatisfied from being elected or continuing to sit as councillors.

Treasury Bills.—No. 20 provides for the borrowing of money by the issue of Treasury bills.

Official Secrets.—No. 22 adapts to the Colony the Official Secrets Act, 1920 (10 and 11 Geo. V, c. 75). It follows practically verbatim the lines of the English Act and of its Schedules, except that s. 5 of the Act is omitted. This deals with the registration and regulation of persons carrying on the business of receiving postal packets. Such a business does not exist and is not likely to exist in the Colony.

Prevention of Cruelty to Animals.—The object of No. 24 is to help in checking cruelty to animals, which is very prevalent in Mauritius. By making half of the fine payable to the informer it was considered that more cases would be brought before the magistrate.

Veterinary Surgeons.—No. 27 regulates the practice of veterinary surgery. Previous to the passing of this Ordinance there was no law in Mauritius dealing with veterinary surgeons.

Railways.—The object of No. 30 is similar to that of Ordinance No. 22 of 1880, *viz.*, to render it more difficult for passengers to defraud the

railway. It follows the lines of the latter Ordinance (which it repeals), but is more drastic: a fine of Rs. 50 is introduced in Article 3, and increased penalties are throughout enacted for second or subsequent offences.

6. STATE OF NORTH BORNEO.

[*Contributed by* C. F. C. Macaskie, Esq., *Acting Judicial Commissioner.*]

During the year 1923 four Ordinances were passed.

Poisons and Deleterious Drugs.—Ordinance No. 1 is based on a similar enactment of the Federated Malay States. It controls dealings in poisons and deleterious drugs by a system of licences, and presents no novel features.

Insolvency.—This Ordinance (No. 2) is an adaptation of the Indian Provincial Insolvency Act of 1920.

Dogs.—Ordinance No. 3, based on the municipal regulations of Malacca regarding dogs, extends the powers of the police to deal with stray and diseased dogs.

Road Rate.—Ordinance No. 4 provides for the levy of a road rate on lands benefited by public roads for purposes of upkeep of the latter. The rate is graduated by division of rateable land into four zones, within one, two, four and eight miles of a road. Provision is also made for the imposition of an annual road frontage rate for each chain of frontage on a road. Rice land and native and Chinese holdings under 10 acres in extent are exempt from any rate.

The legislation mentioned above is of little general interest, but some rules passed under existing Ordinances during the year deserve mention.

Beri-beri.—Cases of beri-beri greatly decreased during the period of food control when polished rice was strictly rationed. Since the control was removed the disease has again become more widespread and a rule (Notification 218/23) was passed to enable the Health Officer to order employers to provide unmarried labourers with cooked rations on any place of labour where the incidence of beri-beri appears unduly high.

Burials.—In order to discourage the formation of private burial-grounds, which often conduce to waste of land, especially in the vicinity of towns, a Rule (Notification 128/23) raised the fee for a private burial-ground licence to $100 outside and $500 inside municipal limits.

Native Labourers.—A Rule (Notification 219/23) was passed making employers liable for the transport expenses of estate labourers on recall to their villages for the rice-planting season.

Negotiable Instruments.—The Indian Negotiable Instruments Act, 1881, with amending Acts to date, was adopted (Notification 54/23).

7. SEYCHELLES.

[*Contributed by* Wyndham L. Grech, Esq., LL.D., *Acting Legal Adviser.*]

Legal Practitioners.—The Barristers and Attorneys Ordinance (No. 5) regulates procedure for the admission of a barrister or an attorney to practice in Seychelles. The qualifications required for barristers are pre-

vious admission to and membership of the Bar in Great Britain or Ireland or any other Superior Courts in the Empire where reciprocity with this Colony may exist. Attorneys and solicitors of the United Kingdom, Mauritius and those parts of the Empire where reciprocity exists are also qualified. Barristers may practise as attorneys and *vice versa* and the Legal Adviser and his Assistant are admitted *ex officio* without payment of fees or furnishing security. Other barristers and attorneys must pay a fee and furnish a security.

Agriculture.—The Agricultural Loan (Crop Privilege) Ordinance (No. 9) facilitates the granting of loans not exceeding in all Rs. 100,000 to planters with a lien ranking above all other legal charges on the crop on which such loan is raised. Notice of an application for loan must be published and creditors are allowed seven days in which to object. The money raised can only be used for specified purposes regarding the crop and a surveyance is kept over the accounts of the planters who have obtained the loan. Maximum interest 7 per cent.; maximum period 5 years. Detailed accounts of the money and its application must be kept.

The Co-operative Credit Societies Ordinance (No. 10) provides for the creation, registration and organization of Co-operative Credit Societies, by means of which such societies may contribute moneys and receive loans (not exceeding Rs. 50,000) from Government and from companies and individuals (not exceeding Rs. 500). Such loans can only be applied for the purposes of these societies, which must be registered by the Director of Agriculture. The object of these societies is to encourage improvements on land and a privilege is given to the society on crops, cattle and unused raw material of the debtor.

Criminal Law.—The Seychelles Penal Code Amendment Ordinance (No. 4) amends the penal code by raising to 13 years (from 12 years as hitherto) the age under which rape on a female is punished with a minimum of seven years' penal servitude, and also raises in a similar manner the age before which sexual intercourse with a minor is a crime irrespective of consent.

Prisons.—The Prisons Amendment Ordinance (No. 6) allows for the confinement of prisoners guilty of repeated offences against prison discipline in a special cell for not more than twenty-four hours consecutively or seven days in all, and prohibits the keeping of a prisoner in irons for more than twenty-four hours at a time with a twenty-four hour interval between each period of irons.

Revenue.—Three important Acts have been introduced. The Licences Ordinance (No. 1) consolidates all enactments regarding licences. The Property Tax Ordinance (No. 2) consolidates and amends the taxes on properties, instituting a land tax, a rural house tax, a town property tax and a town sanitation tax, and abolishing the tenants tax. This Ordinance also divides the island into districts for the purpose of these taxes—a division to which reference is made in several other enactments. The Income-tax Ordinance (No. 7) reorganizes the system of income-tax, changing the rates of tax hitherto paid, but allowing several deductions. It has been framed on the basis of a Model Income-tax Bill recommended by the Inter-Departmental Committee of the Income-tax of Colonies not possessing responsible Governments.

VII. WEST AFRICA.

1. GAMBIA.

Ordinances passed—16.

Protectorate.—No. 1 amends the Protectorate Ordinance, No. 30 of 1913, by raising the maximum punishment awardable by Native Tribunals to a fine of £50, and imprisonment with hard labour for two years, instead of £20 and six months respectively.

Supreme Court.—No. 3 repeals s. 10 of No. 4 of 1889 with regard to the sittings of the Court, and provides that the Supreme Court shall, except during vacation, be open throughout the year for the trial of cases and other legal business, and that not less than fifteen days' notice of the day appointed for trial of any criminal case shall be given to the parties concerned. It further provides that the vacation of the Court shall commence on July 1 and terminate on October 21, in each year.

Bread.—No. 10 provides for the making and sale of bread, for preventing the adulteration of flour and bread and for the licensing of bakehouses.

Public Health.—S. 35 of No. 4 of 1912, making the mere presence of mosquito larvæ an offence, is amended by No. 11 which raises the maximum penalty to £5 and imprisonment to one month, instead of 20s. and seven days.

Trade Marks.—No. 13 follows closely the provisions of Part I of the Trade Marks Act, 1919, of the Imperial Parliament. S. 4 provides for the registration in the Gambia of trade marks which have been registered in Part B of the Register in the United Kingdom, even though they have not been used for two years, or at all, in the Colony.

Public Officers' Pensions.—No. 16 legalizes the new pensions scheme for African officers which has recently been laid down uniformly for British West Africa by the Secretary of State, and is deemed to have come into operation on January 1, 1920. Except for the addition of a further section to the 1st Schedule, the Ordinance is identical with that of Nigeria, No. 20 of 1922.[1] This section (s. 18) provides that where an officer resigned in order to serve in the war and has been reappointed, it shall be lawful for the Governor in Council to take into account, when computing the pension, service in the Colony prior to resignation, and to count as service in office the period from the date of resignation to that of demobilization.

2. GOLD COAST.

[*Contributed by* R. W. H. Wilkinson, Esq., *Attorney-General.*]

During the year 1923 thirty-seven Ordinances were passed by the Legislative Council, of which the following are those of more general interest:

Wireless Telegraphy.—No. 5 extends the application of the provisions of the principal Ordinance (c. 53) to radio-telephony.

Supreme Court.—No. 6 amends the law with respect to proceedings in the Full Court. The provision which made the Chief Justice an indis-

[1] See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. iii, p. 159.

pensable member of the Full Court is repealed, the object being to render it unnecessary for him to sit on an appeal from one of his own judgments. A fresh provision has also been inserted, the effect of which is to afford to the unsuccessful party in a Full Court appeal wherein the members of the Court were equally divided an opportunity of having the appeal re-heard by a re-constituted Court, should such party so desire.

Customs.—This Ordinance (No. 8) supplies a completely revised and up-to-date Customs code, for the construction of which some materials have been drawn from the draft Customs Bill presented by the Trinidad Customs Conference of 1919, and also from the Customs laws of the United Kingdom, the Union of South Africa, British Guiana and Nigeria.

Cinematograph Films.—The provisions of the Celluloid and Cinematograph Film Ordinance (No. 12) have been adapted to local conditions and needs from those contained in the Act of the Imperial Parliament (12 & 13 Geo. V, c. 35).[1]

West African Frontier Force.—The West African Frontier Force Ordinance, No. 13, and the West African Frontier Force (Reserve Force) Ordinance, No. 14, contain the approved revised provisions (which are uniform throughout British West Africa) with respect to the various units of the West African Frontier Force and to the Reserve Force thereof. A leading feature of the former Ordinance is that it embodies considerable portions of the Imperial Army Act.

Trade Marks.—No. 16 follows closely the provisions of Part I of the Trade Marks Act, 1919, of the Imperial Parliament. S. 4 provides for the registration in the Gold Coast Colony of trade marks which have been registered in Part B of the Register in the United Kingdom, even though they have not been used for two years, or at all, in the said Colony.

Native Customs.—No. 22 provides certain additional police and magisterial powers for dealing with articles (such as prohibited company flags, tribal emblems, and the like) connected with contraventions of the principal Ordinance (c. 83) relating to the celebration of unlawful native ceremonies.

Motor Traffic.—No. 26 renders more strict the law relating to motor-cars. S. 3 adds a further requirement providing that motor-cars shall have serviceable steering gear.

S. 5 gives:

(i) Power to the Chief Mechanical Transport Officer or an officer appointed by him to make periodical inspections of motor-cars with a view to ascertaining whether they are defective in any part, and to prohibit the further use of any motor-car in which the defect is such as to render the car dangerous to drive, until such defect has been made good;

(ii) Power to the officers of the Motor Transport Department and to the police to stop any car which they may consider is being used in contravention of the provisions of the Ordinance.

Ss. 6 and 8 penalize the taking up by motor drivers of passengers and freight without due authority, many complaints having been made as to fraudulent scandals taking place in this connexion.

Spirituous Liquors.—The amendment of the law effected by the Second Spirituous Liquors Amendment Ordinance (No. 35) is to adopt, in uniformity with the legislation of other parts of British West Africa, the definitions of "spirits" and "trade spirits" which have been decided on by the Secretary of State after consideration of the views of the various

[1] See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. ii, p. 5.

West African Governors, the Chambers of Commerce and the Wines and Spirits Association.

Customs Tariff. — The principal provision of the Customs Tariff Further Amendment Ordinance (No. 36) is that contained in s. 2; and its purport is to revert, with effect from January 1, 1924, to the method which was in vogue prior to July 3, 1922, of assessing the value of imported goods for the purpose of computing the *ad valorem* duty payable thereon; that is to say, it is now intended to abandon the "current domestic value" basis of assessment and to revert to the "actual purchase price" basis of assessment.

Plant Diseases.—The Plants (Injurious Pests) Ordinance (No. 37) repeals c. 98, and substitutes therefor an enactment of wider scope. The general purport of the Ordinance is to make further provision for the sanitation of farms and for the prevention of plant diseases thereon. In the first instance, the crops in respect of which provision is made are cocoa, cotton and rubber crops. S. 4 prohibits the importation of declared plants except at a prescribed port of entry.

S. 5 prohibits the importation of certain articles except under licence of the Director of Agriculture.

S. 7 defines the duties of inspectors on a first inspection of a farm; and s. 8 defines the duties of the occupier after such inspection.

S. 9 defines the duty of the occupier in respect of the maintenance of his farm in a satisfactory condition of cultivation.

S. 12 prohibits the removal from a farm of plants attacked by an injurious pest, except in certain specified cases.

(i) ASHANTI.

During the year 1923 five Ordinances were enacted with respect to Ashanti, certain of which were enacted for the purpose of applying to Ashanti certain Ordinances of the Gold Coast Colony.

Concessions.—The Ashanti Concessions Amendment Ordinance (No. 4) restores the provision that the chiefs concerned shall be informed of the area in respect of which a licence to prospect has been granted. It also provides that prospectors must declare to the Secretary for Mines the quantity of quartz, alluvial gold, timber, rubber, or other product of the soil, which they have removed as specimens, stating at the same time the name or position of the place or places from which such specimens were taken.

(ii) NORTHERN TERRITORIES.

During the year 1923 six Ordinances were enacted with respect to the Northern Territories of the Gold Coast, certain of which were enacted for the purpose of applying to the Protectorate certain Ordinances of the Gold Coast Colony.

Administration. — The Northern Territories Administration Amendment Ordinance (No. 1) makes provision for the statutory acquisition of land for the public service; and it also declares to be vested absolutely in the Crown the lands, premises and buildings which were on the 31st day of December, 1922, held and occupied as Government property.

Mineral Rights.—No. 2 substitutes for the term "licence" the term "lease" in respect of the mining rights to be acquired under the provisions of the principal Ordinance (Northern Territories Ordinance No. 2 of 1904).

Constabulary.—No. 5 repeals and re-enacts, with several slight modifications, the Northern Territories Constabulary Ordinance, 1917 (Northern Territories Ordinance No. 2 of 1917).

3. NIGERIA.

Ordinances passed—8.

Colonial Church.—The Colonial Church Council (Incorporation) Ordinance (No. 2) incorporates a body to be known as "The Colonial Church Council," vesting therein the said church in Lagos known as the Colonial Church and other church property.

Trade Marks.—No. 4 follows closely the provisions of Part I of the Trade Marks Act of the Imperial Parliament (9 & 10 Geo. VI, c. 79). S. 4 provides for the registration in Nigeria, in priority to other applicants, of trade marks which have been registered under the provisions of Part I of the Trade Marks Act, 1919, and the registration shall bear the same date as that in the United Kingdom, provided that application is made within four months from the application for protection in the United Kingdom. Nothing in this section, however, entitles the proprietor of a trade mark to recover damages for infringements happening prior to the date of actual registration in Nigeria.

Immigration Restriction.—No. 6 amends the principal Ordinance, No. 65 of 1917, by excluding aliens engaged in missionary or educational work from the list of prohibited immigrants.

Statute Law Revision.—No. 7 provides for the preparation and publication of a revised edition of the Laws of Nigeria, and shall contain the ordinances in force on January 1, 1923.

Lagos Diocesan Synod.—As the diocese of Western Equatorial Africa has been divided into two, namely, the diocese of Lagos and the diocese of Niger, No. 8 repeals c. 67, incorporating the Diocesan Synod of Western Equatorial Africa, and establishes a Diocesan Synod of Lagos on the same lines.

4. SIERRA LEONE.

[*Contributed by* MICHAEL F. J. MCDONNELL, ESQ., *Attorney-General.*]

Ordinances passed—28.

Supreme Court.—No. 4 eliminates the provision by which the Chief Justice was compelled to preside over the Full Court of Appeal and so preside in some cases over the Court hearing appeals from his judgments.

West African Frontier Force.—Nos. 10 and 11 consolidate and amend the law relating to the West African Frontier Force and the West African Frontier Force Reserve, which constitute His Majesty's Colonial forces recruited and established in the Protectorate.

Diseases of Animals.—No. 15 is a comprehensive Ordinance replacing the Domestic Animals Ordinance, 1919.

Oaths.—No. 16 prescribes the promissory oaths to be taken by certain official persons and replaces an archaic enactment of 1870.

Money-lenders.—No. 18 is based on the English Act and aims at eradicating the abuses of usury, which are too prevalent in the Colony.

Arms and Ammunition.—No. 23 is an Ordinance embodying the agreement as to the traffic in arms arrived at in the Treaty of Saint-Germain-en-Laye of September 10, 1919.

VIII. EAST AFRICA.

1. TANGANYIKA TERRITORY.

[*Contributed by* E. J. Macquarrie, Esq., *Solicitor-General.*]

Thirty-four Ordinances were enacted.

Land.—In general law, the most important are: the Law of Property and Conveyancing Ordinance (No. 2), by which the English law and practice of conveyancing are applied to the Territory "so far only as the circumstances of the Territory and its inhabitants, and the limits of His Majesty's jurisdiction permit," and dealings in land between natives and non-natives require the written approval of the Governor; the Land Ordinance (No. 3), which places the land under the general control of the Government, subject to all existing rights, and defines powers of disposal, viz., by right of occupancy for a period not exceeding 99 years; the Registration of Documents Ordinance (No. 14), which requires the registration of documents affecting land; the Land Registry Ordinance (No. 15), which makes provision for the registration of titles to land on the lines of the Torrens System; and the Credit to Natives (Restriction) Ordinance (No. 6), which requires the permission of an official for credit transactions with natives.

Matrimonial.—The Asiatics (Marriage, Divorce and Succession) Ordinance (No. 12) deals with those subjects where non-Christian Asiatics are concerned; and the Native Christians (Divorce) Ordinance (No. 17) creates a divorce jurisdiction for natives.

Liquor Control.—The Intoxicating Liquors Ordinance (No. 24) and the Native Liquor Ordinance (No. 23) institute stringent control of the trade in liquor. Under the latter, the use of native liquors is carefully regulated and controlled; by the former, the consumption or possession of all other intoxicating liquors is forbidden to natives, and its sale, etc., generally regulated on the usual lines.

Native Authority.—The Native Authority Ordinance (No. 25), replacing a previous Ordinance, gives native headmen certain powers and duties under the authority, direction and supervision of the administrative officers.

Enemy Property.—The Ex-enemies (Land-holding) Ordinance (No. 20) as amended by No. 33 forbids the holding of land by ex-enemies except on annual tenancies or any less interest of not more than 5 acres without the licence of the Governor; the Enemy Property (Retention) Ordinance (No. 26) empowers Government to obtain an assessment by the High Court of the value of any enemy property before deciding whether to acquire it under a previous Ordinance.

Master and Servant.—The Master and Native Servants Ordinance (No. 32) regulates the relation between employers and native employees and controls recruiting and engagement of natives for service within or without the Territory.

Taxation.—The Profits Tax Ordinance (No. 8), the Pedlars and Live-stock Dealers Ordinance (No. 9), and the Trades Licensing Ordinance (No. 10), bring into force a system of taxation based generally on a 4 per cent. tax on profits with a minimum licence fee of £4 for retail and £20 for wholesale businesses. Pedlars and live-stock dealers and natives pay a licence of £1.

2. ZANZIBAR PROTECTORATE.

[*Contributed by* A. MacL. Grieve, Esq.]

Animals.—The Diseases of Animals Decree (No. 14) is a comprehensive measure which repeals and replaces previous fragmentary legislation on the subject. Animals suffering or suspected of suffering from any of the specified diseases must be isolated and an immediate notification made. The British Resident may declare, when expedient, any local area infected and impose a rigorous system of internal quarantine. Ports of entry and quarantine stations are established for the reception of animals imported into the Protectorate. The British Resident is empowered to prohibit such importation and the importation of specified animal products when necessary. Offences against the decree are punishable with a fine of up to Rs. 1,000 or 6 months' imprisonment or both.

The Dogs Decree (No. 29) deals with the stray dogs pest and provides that owners of dogs within specified areas must take out licences. On the issue of these licences each owner is furnished with a small disc which must be fastened to the neck of his dog. Any dog found by the police without a disc and being unclaimed may be destroyed after the lapse of 48 hours.

Customs.—The Customs (Amendment) Decree (No. 26) amends the principal decree by prohibiting the importation of any article intended to be used for the adulteration of native produce.

Courts.—By the Zanzibar Courts Decree (No. 20) and the British Subordinate Courts Order, 1923, the two separate jurisdictions of His Britannic Majesty and His Highness the Sultan are assimilated in respect of form of judicial establishment, nomenclature of Courts and their presiding officers, powers of the Courts and the procedure regulating their criminal and civil functions and the tribunals to which appeals from them may be preferred. There has, however, been no fusion of jurisdictions but merely the creation of two parallel jurisdictions identical in structure and differing only in one important incident, namely, that of the nationality of the persons justiciable. Under this Decree and by virtue of two Orders in Council, appeals now lie from His Highness the Sultan's Courts to the Court of Appeal for Eastern Africa, and thence to the Privy Council, just as in the case of appeals from His Britannic Majesty's Courts.

Immigration.—The Immigration Decree (No. 8) prohibits the immigration into the Protectorate of the following classes of persons: paupers, insane persons, persons suffering from loathsome or contagious diseases, ex-convicts, prostitutes and undesirables. Any prohibited immigrant found entering or in the Protectorate is liable to removal and to a sentence of six months' rigorous imprisonment. The master and owner of any ship from which a prohibited immigrant is landed are liable to fine. Ample provision is made for the temporary landing of bona-fide ship passengers and for prohibited immigrants desirous of remaining in the Protectorate for short periods.

Laws.—The revised edition of the Laws Decree (No. 5) declares the revised edition of the local laws prepared by Sir Thomas Tomlinson and published in four compact volumes to be the sole and only authentic edition of the Laws of the Protectorate in force on February 28, 1922.

Police.—The Police Amendment Decree (No. 9) amends the principal Decree by making it an offence for anyone to interfere with or molest a police officer on duty. It was passed to meet the many petty cases of interference with the police which do not come within the provisions of the Penal Decree.

The Identification of Prisoners Decree (No. 28) makes it lawful for the police to take the finger-prints of persons in lawful police custody and provides that it shall be a punishable offence for anyone to refuse to allow them to be taken.

Public Health. — The Medical Practitioners and Dentists Decree (No. 30) forbids the practice of medicine or dentistry by any persons unregistered or unlicensed under the provisions of the Decree. A Medical Board is established and empowered to delete the name from the register or cancel the licence of any person who has been convicted of a serious offence or who after inquiry is found to have been guilty of grave unprofessional conduct. In the latter case an appeal lies from the decision of the Board to His Majesty's Judge. The practice by skilled natives, Indians or Asiatics of recognized systems of therapeutics peculiar to their own communities is to be permitted within these communities.

Public Works.—By the Electricity Decree (No. 11) theft of electrical energy is made an offence. Penalties are also imposed for injuring or interfering with electrical plant.

Rifle Corps.—The Zanzibar Volunteer Rifle Corps Decree (No. 25) sanctions the formation of a Volunteer Corps composed of British subjects between the ages of 18 and 50. Members of the Corps are liable to be called out for active service within the Protectorate, or to aid the civil authorities in the suppression of internal disorder, or for training.

3. ANGLO-EGYPTIAN SUDAN.

[*Contributed by* RICHARD WEDD, ESQ., *Advocate-General.*]

Ordinances passed—9.

The whole of the year's legislation is concerned with the amendment of previously existing legislation.

Cotton Cultivation.—Nos. 1 and 2 deal with the raising of capital for the works now in course of construction for the irrigation of the Gezira plain for cotton cultivation, and No. 4 is designed for the protection of cultivators in connexion with the restriction of their powers of raising money on growing crops.

Quarantine.—No. 3 amends the Quarantine Ordinance, 1908, with regard to the disembarkation of pilgrims in the Sudan, and rules governing pilgrim vessels have also been issued under the principal Ordinance.

Passports.—No. 5 merely effects verbal alterations in the Passports and Permits Ordinance, 1922.

Native Liquors.—No. 6 amends the Native Liquors Ordinance, 1914, by excepting the distillation of alcohol by official chemists from the general operation of the Ordinance and by rendering distilling apparatus liable to confiscation.

Coinage.—No. 7 amends the Coinage Ordinance, 1920, with regard to the prohibition against melting and breaking up current coins.

Contraband Goods.—No. 8 amends the Contraband Goods Ordinance,

1901, by providing powers for the prohibition of export from or transport within the Sudan of any goods.

Duty on Alcohol.—No. 9 repeals and amends existing legislation as to the collection of Customs duty on alcoholic liquids formerly enacted in the Customs (Alcohol and Tobacco Duties) Amendment Ordinance, 1915, and the Customs (Duty on Alcoholic Beverages) Ordinance, 1914. The duty is now based on the alcoholic content per litre.

Silver and Gold Export.—In addition to the above-mentioned Ordinances a Proclamation has been made permitting the export of silver without restriction and prohibiting the export of gold except under licence.

IX. SOUTH ATLANTIC.

BRITISH GUIANA.

[*Contributed by* the Hon. W. J. Gilchrist, *Acting Attorney-General.*]

There were twenty-nine public Ordinances and one private Ordinance passed during the year. Of these the principal enactments are:

Evidence.—The Evidence Ordinance, 1893, Amendment Ordinance (No. 4) transfers from the Governor and the Governor in Council to the Colonial Treasurer certain duties in connexion with the disposal of unclaimed property of persons dying while inmates of public institutions, the amount involved not exceeding the sum of 10 dollars.

Fire Insurance.—The British Guiana and Trinidad Mutual Fire Insurance Company's Ordinance (No. 13) is a private Ordinance, and makes provisions for the continuance of the corporate existence of the British Guiana Mutual Fire Insurance Company, Limited, under the name of the British Guiana and Trinidad Mutual Fire Insurance Company, Limited. It gives power to the company to establish a branch in the Colony of Trinidad and Tobago. The rights of the scrip-holders are preserved, and members or scrip-holders are excluded from personal liability in respect of any contract, undertaking or agreement of the company.

Widows' and Orphans' Pensions.—Previous to December 21, 1900, there was a fund for providing pensions for widows and orphans and children of deceased public officers constituted by the Ordinance of 1873, which Ordinance was amended in 1896 and 1901. By the Ordinance of 1901 no person not a contributory on or before December 21, 1900, was allowed to become a contributory to the fund. This Ordinance (No. 14) establishes a pension fund for widows and orphans of deceased public officers appointed to the service since December 21, 1900.

Demerara Railway.—The Demerara Railway Company (Dissolution) Ordinance (No. 17) winds up the Demerara Railway Company, the actual property of which has been taken over by the British Guiana Government.

Status of British Subjects.—The Status of British Subjects (British Guiana) Declaration Ordinance (No. 18) makes clear the legal status of all British subjects within the Colony, which rights have existed for all races since 1838. The same status is confirmed upon subjects of native Indian States resident within the Colony.

Municipal Affairs.—The Georgetown Sewerage Ordinance and George-

town Town Council Ordinance, 1918, Amendment Ordinance (No. 20) authorizes the Mayor and Town Council of Georgetown to lay down, execute and maintain sewerage works in the City. Power is given to the Council to borrow money by special loan for carrying out such works.

Summary Conviction Offences.—The Summary Conviction Offences Ordinance, 1893, Amendment Ordinance (No. 21) adopts the Imperial Vagrancy Act, 1898, which provides for the punishment of persons trading in prostitution.

Indictable Offences.—The Indictable Offences (Procedure) Ordinance, 1893, Amendment Ordinance (No. 27) establishes the practice obtaining in courts of oyer and terminer and of gaol delivery in England, *i.e.* to make such sentences operative as from the first day of the sessions.

X. WEST INDIES.

1. BAHAMAS.

[*Contributed by the* Hon. Harcourt Malcolm, O.B.E., K.C., *Speaker*.]

Acts passed—44.

Hotel and Steamship Service.—The Hotel and Steamship Service Act (c. 1) and the Hotel Loan Act (c. 2) authorize a loan of £430,000 by the Colony to Bahamas Hotel Company, Limited, in order to provide first-class hotel accommodation in Nassau for tourists.

The site was acquired by the Colony from the Florida East Coast Hotel Company for $100,000 and is leased to Bahamas Hotel Company, Limited, for ten years from January 1, 1923, at an annual rental of £500.

The Hotel Colonial was destroyed by fire on April 1, 1922. The New Colonial Hotel on the same site was opened on February 22, 1923.

The loan and interest (which is 3 per cent.) are payable out of 50 per cent. of the net annual earnings of the hotel.

All moneys over and above the loan by the Colony are to be lent by the Munson Steamship Line, bear interest at 6 per cent. and are repayable out of 50 per cent. of the net annual earnings of the hotel.

The Hotel Company has the right to acquire the fee simple in the site at any time within ten years at the price of $100,000.

The Munson Steamship Line undertakes to provide and operate first-class steamship services between New York and Nassau and Florida and Nassau for ten years from January 1, 1923, for an annual subsidy of £35,000.

Emigrants' Children.—The Maintenance of Children Act (c.3) empowers a magistrate, upon information on oath, to make an order preventing a parent (which includes the mother of a bastard child) who intends to leave the Colony from doing so until adequate provision is made for any child under fourteen years of age. Such order may be rescinded and is only valid for two years. Anyone contravening an order is liable to a penalty of £20 or six months' imprisonment.

Registration of Births and Deaths.—The Births and Deaths Registration Amendment Act requires (c. 4) the declarant and the registrar to sign the entry in a register where such entry is made six months after the birth.

Fishery Protection.—The Fishery Protection Amendment Act (c. 5)

enables the Governor in Council to grant a licence to take fish in the territorial waters of the Colony for scientific purposes.

Holidays.—The Friday Half-holiday Amendment Act (c. 6) authorizes the Governor in Council to suspend the operation of the Friday Half-holiday Act, 1918, on any particular Friday.

Judicial Reciprocity.—The Judgments Enforcement Act (c. 8) facilitates the reciprocal enforcement of judgments, orders and awards in the Colony and England and Ireland.

The Chief Justice is the rule-making authority. The Governor may extend the provisions of this Act to any other part of the Empire where reciprocal provisions have been made by the Legislature thereof.

Maintenance Orders.—The Maintenance Orders Facilities for Enforcement Act (c. 9) is a re-enactment of the like Act of 1921 [1] with the substitution of "England or Ireland" for "United Kingdom." The Governor may extend the provisions of this Act to any other part of the Empire where reciprocal provisions have been made by the Legislature thereof.

Air Navigation.—The Air Navigation Act, 1920, Revival Act (c. 10) revives the Act of 1920,[2] which was allowed to expire on May 18, 1921.

Telegraphs, Telephones and Electric Light.—The Electrical Department Act (c. 11) and the Telegraph Department Act (c. 12) separate the Telephone System from the Electric Light and Electrical Energy System and create two separate Departments in place of one.

The Electrical Department remains under the control of a Board. The Governor in Council controls Telegraphs and Telephones.

Ice.—The Ice Act (c. 13) is an attempt to make and supply ice in accordance with present-day requirements.

All previous legislation going back to 1850 is repealed.

Street Traffic.—The Street Traffic Amendment Act (c. 16) increases the fine for breach of the rules from £5 to £20.

Veterinary Surgeon.—The Pharmacy Amendment Act (c.20) authorizes a Veterinary Surgeon to supply drugs.

Fire Engines.—The Fire Engines Act (c. 21) vests the control of operations at a fire, in the absence of the Chief Police Officer, in the senior officer of Police present and acting under the orders of the Stipendiary and Circuit Magistrate.

Agriculture.—The Board of Agriculture Amendment Act (c. 22), by increasing the annual grant to the Board from £750 to £2,500 and by making it possible to establish stations in any part of the Colony, gives the Board wider scope for its activities.

Animals' Importation.—The Importation of Animals Act (c. 23) authorizes the Governor in Council, on the recommendation of the Board of Health, to prohibit or restrict the importation of any animals in order to prevent the introduction of disease or contagious distemper.

Provision is made for inspection of animals and landing certificate.

Escape.—The Magistrates Amendment Act (c. 24) authorizes the hearing and determining in a summary way of charges of escape, subject to obtaining the fiat of the Attorney-General.

Tariff.—The Tariff Amendment Act (c. 40) gives a drawback of 50 per cent. of duties of customs on whisky produced or manufactured in the Empire and places kerosene oil on the free list.

[1] See *Journal of Comparative Legislation*, Third Series, vol. v, pt. iii, p. 159.
[2] *Ibid.*, vol. iv, pt. iii, p. 164.

2. BARBADOS.

[*Contributed by* Sir C. P. Clarke, K.C., *Attorney-General.*]

1922.

Finance.—Owing to the depression in the sugar industry, the revenue fell off, and the Government found itself heavily in debt on ordinary current expenditure account; hence it became necessary to levy additional taxation by the following Acts:

The Revenue in Aid Act (No. 9) increases the customs duties by 20 per cent. or one-fifth on the previous rates, except on certain articles of prime necessity, and on spirits and tobacco, as to which latter items it was considered that increased duties would fail to produce increased revenue by causing a diminution in consumption.

The Liquor Licences (Amendment) Act (No. 10) increases the cost of an excise licence to sell liquor from £5 to £10.

The Additional Taxation Act (No. 17) imposes a special tax on owners and occupiers of property and on persons carrying on trade.

The Liquidation Act (No. 23) provides for the issue of debentures to the Colonial Bank to cover the Government's debt on current account to that bank.

Owing to the depression above referred to, the Sugar Industry Agricultural Bank became heavily involved in debt from being unable to obtain repayment by planters of the large advances it had made in the previous year for the cultivation of the sugar plantations—advances that absorbed the bank's own capital besides a large amount of borrowed money. Hence the Government was obliged to come to the help of the bank by the Sugar Industry Guarantee Act (No. 20), which gives a charge on the revenue and assets of the island for all moneys that may be borrowed by the bank to meet the requirements of the then ensuing agricultural year beginning on the first of June following, as well as for all moneys already lent to the bank by private persons (called in the Act depositors) and which may remain due on the thirty-first of August following. The Act also provides that, if required, Government six per cent. debentures shall be issued to persons to whom the bank may stand indebted after the thirty-first of August for moneys advanced the bank for the purposes of its business during the above-mentioned agricultural year.

In consideration of the above concessions by the Government, it was provided by the Sugar Bank Control Act (No. 21) that any debentures issued by the Government to the creditors of the bank should form a charge on the funds of the bank; that the Governor should be empowered to appoint two officials as members of the bank's directorate during the operation of the Act, *i.e.* until all the debentures should be paid off; and that the lending operations of the bank during the coming agricultural year should be restricted to such borrowers as could show that they had no other means of carrying on cultivation, or could deposit security for such part of the loan as the coming crop was not likely to cover.

Reciprocal Enforcement of Judgments.—No. 31 provides for the enforcement in the island of judgments obtained in a superior court of the United Kingdom, and of judgments obtained in any other part of the British Dominions which grants reciprocal treatment.

Maintenance Order (Facilities for Enforcement).—No. 34 secures for the Colony the benefit of the reciprocal provisions of the Imperial Statute

10 & 11 Geo. V, c. 33. And its provisions will be extended to the enforcement of orders made in any part of the Empire which accords reciprocal treatment.

Underground Water.—The public water-supply of the island is entirely derived from a subterranean stream flowing at a depth of 280 feet below the surface and other subterranean streams and springs. In the last few years boring for petroleum has been begun in various parts of the island, and it was feared that the effect, at all events in certain localities, might be to cause an escape of oil into the water fissures, or to drain off the water into the oil borings. In view of such a situation, assistance was sought from an eminent authority on the geology of the island—the Director of Science and Agriculture of British Guiana—who, in co-operation with the Engineer and Manager of the Waterworks (a Government concern), prepared the regulations which are embodied in s. 2 of the Act (No. 11).

It is believed that as regards one or two of the regulations, hints were obtained from certain regulations that had been made in Trinidad under the Ordinance No. 13 of 1907. Otherwise it is not known that any legislation of another country was utilized. There was no particular reason for fixing the penalty for breach of the regulations at £100.

Treasury Bills (Local).—No. 42 is a new feature in the legislation of the Colony. The Government may borrow money by the issue of bills to such amount as may be authorized by resolution of the Legislature, the bills to be current for not more than twelve months and the moneys raised on them to be a charge on the revenue. The amount of each bill is to be determined by the Government. The bills are to be signed by the Colonial Secretary, the Treasurer, and the Auditor-General. Duplicates may be issued in the case of bills defaced, lost or destroyed.

Income-tax.—No. 43 amends the Income-tax Act, 1921–35, in certain particulars, but makes no change in any fundamental point. The method of assessing companies, and in particular shipping and insurance companies, is provided for in ss. 32, 33 and 34.

1923.

Lepers.—No. 5 enlarges the power of compelling lepers to enter the Leper Asylum. Any leper found in a place which the public are permitted to enter or in any institution supported by public funds, and also any leper who has been medically notified as such, may be forced to enter the asylum.

Repatriation of Seamen Engaged by Foreign Ships.—By No. 20 no native or subject of this or any other British West Indian Colony can be engaged as a seaman on a foreign ship except with the sanction of the Harbour Master, who must require a bond to be given by the Consul of the country to which the ship belongs or the owner or agent of the ship to pay all expenses incurred for the maintenance and return to this island of the seaman after his discharge.

Registration of Dentists.—Act No. 28 is new legislation. Under it no dentist is to practise unless he is registered, and no dentist can be registered unless he possesses one or other of the qualifications described in s. 3 (*a*), or has for three years prior to the commencement of the Act been engaged in the practice of dentistry as his principal means of livelihood. A Board of Medical Assessors is constituted for the decision of

applications for registration; and a right of appeal to the Chief Judge of the island is given to any dissatisfied applicant. A dentist's name may be removed from the register if he is convicted of felony, or is deprived of his qualification. And provision is made for the constitution of a special Board to entertain charges of infamous conduct or conduct disgraceful in a professional respect, with power to order the erasure from the register of any dentist found guilty of such conduct. And a right of appeal to the Court of Common Pleas is given to the accused.

Locomotives on Highways.—No. 29 provides (s. 3) for a stricter system of licensing drivers. It also prohibits under penalties the use of a motor-car or cycle without the owner's consent, the riding on a locomotive without the owner's or driver's consent, and the loading of a locomotive in such manner that any part of the load projects more than 1 foot beyond the plane of the wheels. It also (s. 12) makes strict regulations with respect to stopping and making inquiries in case of collision or accident.

3. JAMAICA.

[It is hoped to publish the Summary of Legislation in the next *Review*.]

4. WINDWARD ISLANDS.

(i) Grenada.

[*Contributed by* N. Julian Paterson, Esq., K.C., *Attorney-General*.]

Nineteen Ordinances were passed in the year 1923. The following are of more general interest:

Courts (Temporary Powers) Continuance.—Ordinance No. 2 continues for another year the power of the Courts of the Colony under Ordinance No. 10 of 1922 to defer the sale of land under judgments or orders for any period not exceeding twelve months.

Passports. — Ordinance No. 9 prohibits the landing in the Colony of persons without the production of passports or other documents establishing nationality and identity. Power is taken to exempt any class of persons, either unconditionally or subject to conditions, from all or any of the provisions of the Ordinance.

Tenants' Compensation.—Ordinance No. 14 amends the law relating to compensation to agricultural tenants for improvements. The provisions in the Ordinance of 1900 for ascertaining the compensation to which a tenant was entitled were adapted from the Imperial Agricultural Holdings Act of 1883. These provisions were found to be too complicated in the circumstances of the Colony. The Ordinance of 1923 introduces the simpler procedure of arbitration by a single arbitrator appointed by a magistrate on the application of either party after notice to the other party. On receipt of the award a day is fixed by the magistrate for the hearing of an application for judgment on the award. At the hearing any objection to the award is considered and judgment given accordingly.

Articled Clerks. — The Supreme Court (Articled Clerks) Ordinance (No. 16) places the law of the Colony on the subject on a better footing. It provides that no person shall enter into articles of clerkship unless he has passed the prescribed examination in general knowledge or has taken one of the degrees or passed one of the examinations mentioned in the

schedule to the Ordinance. Power is also given to enter into an agreement with the Law Society of England to conduct examinations of articled clerks and provides that where such an arrangement has been made, the examinations conducted by the Law Society shall be substituted for the local examinations. The contemplated arrangement with the Law Society is now in operation.

Income-tax. — The Income-tax Ordinance (No. 18) repeals the Ordinances of 1921 and 1922, and substitutes provisions on the lines of a model Ordinance prepared by the Colonial Office.

Banana Plants.—In view of the prospect of establishing a banana exporting industry, the Banana Plants (Exportation Restriction) Ordinance (No. 19) was passed in order to conserve the supply of plants necessary for the establishment of the industry.

(ii) St. Lucia.

[*Contributed by the* Hon. J. E. M. Salmon.]

Ordinances passed—16.

Bicycle Traffic.—Ordinance No. 4 empowers the Governor in Council to make rules to be observed by persons riding bicycles or tricycles on public ways and by drivers of other vehicles and other persons using the public way in respect of the safety of persons using bicycles or tricycles. The rules are to be published in the *Official Gazette* and may prescribe penalties not exceeding £5.

Currency.—The Government Currency Notes Ordinance (No. 14), which repeals the Currency Notes Ordinance No. 15 of 1920, provides for a 10*s.* and 5*s.* note issue, which is to be legal tender in the Colony, except a tender by the Commissioners of Currency at their office.

Library.—By the St. Lucia Public Library Site Ordinance (No. 7) the Castries Town Board vests in the Government a lot in Castries for the erection of a library. A building has been erected on this lot with funds donated by the Carnegie Corporation, U.S.A.

Medical.—The Infectious and Contagious Diseases Ordinance (No. 16) empowers the Governor in Council to make regulations for the purposes prescribed in the Ordinance. A penalty for contraventions of the regulations is also prescribed.

Passports.—The Passports Ordinance (No. 10) makes provision for passports or other documents of identity of arrivals over 16 years of age from outside the Colony. A penalty not exceeding £50 or a term not exceeding three months' imprisonment is also provided for.

Shipping.—The Engagement of West Indians by Foreign Ships Ordinance (No. 8) prohibits the engagement of natives of the Colony, or British West Indians, by the owners or agents of foreign ships except by agreement before the Shipping Master on the same conditions as govern the engagement of seamen on British vessels and on giving security for the cost of maintenance and repatriation to the Colony of the person engaged. Sums due under the Ordinance are recoverable before the District Court although exceeding £20, and the production of the account (if any) shall be sufficient evidence of the expenses incurred by or for the Colony. A contravention of the Ordinance is punishable by a penalty of £50 for each person engaged.

Customs Duties.—Ordinance No. 13, amending 11 of 1921, makes

certain changes in the schedule of duties with respect to aircraft, wheaten flour and meal and machinery. General additional duty of one-tenth.

Liquor Licence.—Ordinance No. 11 amends 16 of 1921 and provides for the sale or disposal by licence of spirits less than 25 per cent. under proof.

Minor Products Protection.—Ordinance No. 15 amends No. 13 of the 1916 Revision and prescribes new provisions as to registration, re-registration, licences, books instead of tickets, fees, sellers, dealers, seizure, arrest and unauthorized dealings.

Shops Closing.—Ordinance No. 1 amends 6 of 1917 by fixing the opening hour at 8 instead of 7 a.m.

Succession Duty.—Ordinance No. 12 amends 124 of the 1916 Revision by replacing the rates of duty of Successions of the value of £100 and upwards. Only one-half of the rates is to be paid by (1) the wife of the deceased, (2) the mother of a deceased lawful son or daughter, (3) the lawful son or daughter of the deceased.

Travelling Allowances. — Ordinance No. 2 amends 92 of the 1916 Revision by allowing an officer half rate only, if he can return to his station within twelve hours, and no rate if he can return within six hours. No subsistence is to be allowed an officer boarded on a ship at the Colony's expense, or to a bailiff, if his expenses are recoverable from suitors.

(iii) St. Vincent.

Ordinances passed—11.

Port Officers.—No. 1 provides that a return of all passengers to or from a port in the Colony shall be supplied by the master of the ship to the Port Officer, and passengers must give to the master of the ship all information required for this purpose. The Ordinance provides for a penalty of not exceeding £20 on summary conviction as against the master for failure to make a return, or the making of a false return, and as against the passenger for refusal to give any information required, or for the supplying of false information.

The above Ordinance is amended by No. 10, which provides that in any prosecution for an offence under the above ordinance (No. 1) a certificate given by a competent officer as to the arrival of the ship at any port outside the Colony showing all particulars shall without proof of signature be deemed sufficient evidence in all Courts, provided it be competent for any person concerned to disprove the genuineness of the signature or handwriting.

Aliens' Restriction.—No. 2 repeals the Aliens' Restriction (Missionary and Educational Work) Ordinance, No. 19 of 1922.[1]

Bank Holidays.—No. 8 provides that Armistice Day, November 11, be added to the list of Bank Holidays.

Passports.—No. 9 prohibits the landing in the Colony of persons under the age of sixteen without the production of passports or other satisfactory evidence of identity. Power is taken to exempt any class of persons, either unconditionally or subject to conditions, from all or any of the provisions of the Ordinance. S. 5 sets out what actions constitute offences against the Ordinance, for which is provided a penalty, on

[1] See *Journal of Comparative Legislation*, Third Series, vol. vi, pt. iii, p. 177

summary conviction, of a fine not exceeding £50 or to imprisonment for a term not exceeding three months.

Cotton Protection.—No. 11 repeals six Ordinances dealing with cotton disease—3 of 1911, 16 of 1916, 3 and 6 of 1918, 32 of 1919, and 15 of 1922. It gives powers to the Governor in Council to prescribe a close season either for the whole Colony or for such area or areas as may be specified. All cotton plants must be buried or destroyed before the first day of the close season; but, notwithstanding this alternative method of destruction, an inspector may direct that all cotton plants, or any portion of them, must be destroyed by fire only. The planting of cotton is prohibited during the close season. Cotton seed and cotton seed meal are to be applied in accordance with regulations, and any occupier of land contravening such shall be guilty of an offence and liable, on summary conviction, to a penalty not exceeding £100. The Governor may appoint Inspectors who may, without notice, enter upon land and take all measures for the eradication of cotton stainer, even to the total destruction, if necessary, of any trees, shrubs or herbs. The Governor may declare any area of land to be an infected area, and such area may be entered upon without notice by the Agricultural Superintendent, who may take all such measures for the eradication and the prevention of the spread of the cotton stainer. Inspectors may burn any old cotton growing on any land, and the estimated value of the work done and the expenditure incurred by the Inspector is a civil debt recoverable summarily from the occupier. All persons authorized by this Ordinance are protected against liability for trespass and for damage, save where the latter was occasioned maliciously and without reasonable cause. Where in the opinion of the Governor in Council substantial damage has been caused by destruction by virtue of the Ordinance, he may, out of moneys voted for the purpose, award compensation, provided the occupier has complied with the provisions of the Ordinance and any regulations made thereunder.

In case of proceedings, and the question arises, the onus of proving whether a person be the occupier of the land shall be upon the defendant.

A penalty of not exceeding £10 is provided for contravention of the Ordinance or any regulation except where otherwise stated.

5. TRINIDAD AND TOBAGO.

[*Contributed by the* Hon. W. C. Huggard, K.C., *Attorney-General.*]

Twenty-nine Ordinances were passed during the year 1923.

The following are likely to be of interest outside the Colony:

Registration of Business Names.—Ordinance No. 7 is a copy of the Registration of Business Names Act, 1916, of the Imperial Parliament (6 & 7 Geo. V, c. 58).

Income-tax.—Ordinance No. 9 is, subject to possible variations in the rate of tax, intended as a permanent measure to supersede the annual Income-tax Ordinances hitherto passed.

Fire Insurance.—The British Guiana and Trinidad Mutual Fire Insurance Co., Ltd., Ordinance (No. 11) provides for the dissolution of the Trinidad Fire Insurance Co., Ltd., and the transfer of its assets and liabilities to a new Company called the British Guiana and Trinidad Mutual Fire Insurance Co., Ltd.

Customs Duties.—Ordinance No. 12 enables the Collector of Customs, for the purpose of assessing the *ad valorem* duty payable on goods imported from a foreign country the currency of which has depreciated more than 50 per cent., to calculate the value of those goods in British currency according to the value of goods of similar character imported from other countries.

Passports.—Ordinance No. 21 prohibits the landing in the Colony of any passenger unless he can produce a valid passport or some other document satisfactorily establishing his identity. "Passenger" includes any person carried on a ship other than the master and all persons employed in the work or service of the ship. Power is reserved to the Governor in Executive Council to exempt any class of persons from the requirements of the Ordinance and to prescribe any requirement to be fulfilled by any class or description of alien passengers. An order has been made exempting tourists.

XI. MEDITERRANEAN COLONIES.

1. GIBRALTAR.

[*Contributed by* Captain the Hon. Maxwell H. Anderson, C.B.E., K.C., R.N. (ret.), *H.M. Attorney-General.*]

During the year 1923 eight Ordinances were enacted.

Criminal Law.—Nos. 1 and 2 dealt with criminal law, the former providing for the crime of infanticide in the case of women murdering their newly-born children; while the latter provided for the summary conviction of brothel keepers and altered the existing law in regard to the defence of consent in crimes committed on girls and young persons. The effect of the two Ordinances is to make the law of Gibraltar in these matters identical with the law of England.

Rent Restriction.—Ordinance No. 3 repealed the Rent Restriction Ordinance, 1920.

Arbitration.—No. 4 was an amendment of the Arbitration Ordinance, 1895, dealing with a submission to three arbitrators, and again renders local law identical with English law on the same subject.

Medical Practitioners and Dentists.—Ordinance No. 5 was enacted to provide for the registration of dentists and to make better provision as regards medical practitioners. The effect of the law is to provide that for the future all such persons desiring to practise in Gibraltar must possess such qualifications as would entitle them to registration in the United Kingdom in either the Home, Colonial or Foreign Lists. A Board is established to deal with applications for registration, and this Board may also investigate complaints made either by or against practitioners. The Board consists of three doctors, one dentist and two laymen, with the Attorney-General as *ex-officio* chairman. The Ordinance works well and has given general satisfaction.

Merchant Shipping.—Ordinance No. 6 amended the Merchant Shipping Ordinance by abolishing the defence of compulsory pilotage in Admiralty causes.

Revenue.—By Ordinance No. 7 the old Ordinance of 1898 was

repealed. The new Ordinance incorporates all amending Ordinances and brings the present law into one consolidated enactment.

Enemy Debts.—Ordinance No. 8 gives power to the Local Clearing Office to charge a commission of 7½ per cent. upon all debts collected from an enemy for payment to a creditor in Gibraltar.

2. CYPRUS.

[*Contributed by* J. C. Howard, Esq., *Attorney-General.*]

Laws passed—45.

Advocates.—No. 26 provides for the compulsory registration of all persons employed as clerks by advocates. No person who has been convicted of any offence punishable with imprisonment for a term of six months or upwards can be registered. Provision is made, by order of the District Court subject to an appeal to the Supreme Court, for the removal of the name of any clerk for misconduct. Advocates and registered clerks are permitted to transact business at the Land Registry Office without the authority of a power of attorney. Penalties are prescribed for clerks who act in the Courts or Land Registry Office without previous registration.

No. 45 provides that King's Counsel shall practise in manner corresponding to the practice in England.

Co-operative Societies.—No. 10 provides for the establishment of Co-operative Societies, and follows the lines of Law 13 of 1914 relating to Co-operative Credit Societies. The principal modifications are as follows: Every Society consisting of at least ten persons over the age of eighteen years and which has for its object the promotion of the economic interests of its members shall register under the law with limited or unlimited liability. Payment before the exercise of rights must be made in respect of membership or acquisition of interest in the share capital, which is restricted in the case of an individual member. Restrictions are imposed on the transfer of shares and provision is made for the transfer of interest on the death of a member. A charge is imposed on the interest of a member in respect of debts due to the Society. No dividend or bonus can be paid until at least one-fourth of the year's profits have been placed to a Reserve Fund. Any surplus together with the available profits from past years may be distributed amongst members in accordance with the by-laws except in the case of societies with unlimited liability, when the sanction of the Governor to such distribution is required. Penalties are imposed on persons other than a society making use of the word "Co-operative" as part of their trade name.

Civil Procedure.—No. 44 permits village judges to issue writs of sale of immoveable property.

Criminal Law.—No. 29 provides for a penalty of five years for attempted rape in place of two years and defines what is an attempt to commit an offence.

Education.—No. 32 repeals previous laws dealing with Greek Christian elementary education. The subject of education has in the past proved a stumbling-block to the Government, and in 1920, when Law 24, which dealt with Moslem education, was passed, the Greek Christian members refused to agree to its provisions and hence as regards the Greek Christian community it was withdrawn. A more accommodating spirit

has been shown by this Council, resulting in the passing of the present law. Its provisions follow in the main those of Law 24 of 1920. Chapters 3–7 inclusive, dealing with the appointment and payment of teachers, classification and examination of teachers, retirement of school teachers and gratuities, school buildings and premises, and financial provisions, are practically identical. Chapter 11 provides for the establishment of a Board of Education, District Committees, and Town and Village Committees for Greek Christian schools on the same model as those provided by Law 24 of 1920 for Moslem schools. The law provides an appeal to the Board of Education by persons aggrieved with an improper assessment for rates made in respect of education.

No. 33 provides for secondary education in Greek schools and follows the lines of Law 25 of 1920, which deals with Moslem secondary schools. The functions of the Governing Body under this law are given in the case of Greek Christian secondary schools to the Town Committees appointed under Law 32 of 1923.

No. 34 makes some minor amendments in Law 24 of 1920, which deals with Moslem schools.

Knives.—No. 42 increases the punishment for offences against the Knives Law—No. 11 of 1920. The carrying of daggers is made punishable by imprisonment for a term not less than one or more than two years. The carrying of pointed knives for other than lawful purposes is made punishable by imprisonment for a term not less than six months or more than one year. The carrying of knives at weddings, fairs or in a brothel or licensed premises is made punishable by a term of imprisonment not less than one or more than two years.

Malicious Injury.—No. 27 amends and consolidates the various laws relating to malicious injury to property. This law takes away the jurisdiction of the village judge to deal with claims under this law. The method of enforcing payment of the sums due by individual members of a village community against whom an order for compensation has been made is changed. The law now inflicts imprisonment on male tax-paying inhabitants who fail to pay. The compensation orders are enforced against female tax-paying inhabitants by the sale of their moveable and immoveable properties. Duties formerly performed by Mudirs under this law are now imposed on Mukhtars, who as a consequence take the fees.

Marriage.—No. 24 amends the Marriage Law—No. 37 of 1922. The Governor in default of agreement with the head of a minister's denomination is deprived of the absolute power to remove such minister from the register. The matter has to be referred to the Secretary of State. A minister is permitted to celebrate a marriage *in articulo mortis* according to the Canon Law of his Church, subject to subsequent registration in accordance with the civil law. Registered ministers are relieved from penalties provided they comply with the Canon Law of their Church.

Municipalities.—No. 15 allows municipal councils with the approval of the Governor to grant gratuities on retirement to their officers. No. 14 provides an additional penalty for persons building in municipal areas without a permit from the municipal council. Such buildings shall be ordered by the Court to be pulled down at the expense of the owner. No. 15 imposes compulsory weighing in respect of goods, wares or merchandise above certain scheduled minimum quantities which are sold or delivered within the limits of a municipal area. This weighing is performed by municipal weighers, and in respect thereof scheduled fees

are charged. Penalties for improper weighing or making false entries with regard to such weights are provided by the law.

Passports. — No. 11 provides penalties for persons entering Cyprus without a passport, and empowers the Governor in respect of such persons to make an order for deportation. Power is given to the Governor by Order in Council to exempt persons from the operation of the law.

Police.—No. 16 repeals the Field Watchmen Laws, 1896 to 1922, and in place of field watchmen establishes a Rural Police Force. These rural constables are appointed for three years and act under the orders of the Chief Commandant of Police. They wear uniforms, are subject to police discipline and enjoy the privileges of the police force. Gratuities are provided by the law. Their duties in particular include the keeping watch in the agricultural districts, the impounding of stray animals, the assessment of damages in minor cases of trespass by animals and the collection of such damages. The law disposes of damages collected for trespass by allocating eighty-five per cent. to the person whose property has been damaged and fifteen per cent. to a Rural Police Fund.

Revenue. — The customary Appropriation, Supplementary and Surplus Balances Laws were passed. No. 1 raised the excise duty on tobacco from three shillings and six and a half piastres to six shillings and three piastres the oke, the import duties on manufactured tobacco from five shillings and seven and a half piastres to eight shillings and three piastres the oke, on cigars from two shillings and four and a half piastres to five shillings the hundred, on cigarettes from eight shillings to fourteen shillings the oke and on snuff from five shillings to ten shillings the oke. It further imposed an import duty on petrol and benzine of four and a half piastres for every four gallons or part thereof, and of thirty per cent. on motor-cars, motor-cycles and parts thereof. No. 5 gave preferential rates of import duty to motor-cars, motor-cycles and parts thereof of one-third and to aircraft and accessories of one-fourth of the full rates provided these articles were manufactured in the British Empire. No. 19 imposed import duties on matches amounting to four shillings per gross of boxes not exceeding ten thousand matches. No. 30 raised the import duties on timber and firewood to twenty-five per cent. No. 6 was passed to protect the revenue in the event of importers seeking to clear merchandise from the Customs on acquiring knowledge of bills introduced into the Legislative Council with the object either of imposing fresh duties or raising existing duties before such bills have been passed into law. The Governor may make an order for the imposition of the new duties on a day not more than five days before the introduction of such bill into the Council. On rejection of the bill by the Council the order expires.

Shipping.—No. 38 empowers the Governor to prescribe by Order in Council rates for shipping agents' landing charges.

Stamps.—No. 31 repeals the Stamp Law, 1879, and the old Turkish Law of Stamps which was still in force in Cyprus. The law provides by Schedule for various stamp duties and imposes penalties for neglect or failure to stamp documents in accordance with the law.

Village Authorities.—No. 17 repeals Laws 10 of 1906 and 10 of 1907 and alters the manner in which Mukhtars and Azars are elected. Popular election is swept away and five persons are appointed by the Medjlissi Idare, the Commissioner and elected members of the Legislative Council. From these five persons the Governor selects one as Mukhtar and the

remaining four become Azars. The duties of the Mukhtar, who has to take an oath of allegiance, are prescribed by the law. He is given the power of a constable, is entitled to conduct sales on execution of immoveable property and receive fees in connexion therewith.

3. MALTA.

[*Contributed by* C. J. Colombos, Esq., LL.D.]

Acts passed—9; Ordinances passed—6.

The output of legislation during the 1923 session was small, as Parliament was occupied almost entirely with the discussion of the controverted language question. S. 57 (2) of the Constitution is rather vague in its terms as to the relative position in public education of the English and Italian languages, and an Act was passed by the Maltese Legislature for the purpose of construing some of its provisions.

Education.—This Act (No. 9) provides for the obligatory teaching of English from the lowest infant stage and throughout the elementary and secondary schools and the University. Italian becomes obligatory from the third standard of the elementary schools and upwards. In practice this means that the first five years of a child's education in languages will be taken up by English, taught through the medium of Maltese, and it is only at the expiration of that period that Italian will begin to be studied in conjunction with English.

Parliamentary Allowance.—Act No. 3 fixes the indemnities payable to the officers of the Legislature and the members of the Senate and the Legislative Assembly. The allowances may not be assigned or sequestered. The Act further prohibits any member from renouncing the indemnity payable to him, though it does not appear clear how such a provision is capable of enforcement.

Excess Profits Duty Adjustment.—Act No. 6 is designed to empower the Treasurer to enter into the necessary arrangements with the Revenue Commissioners of the United Kingdom for the purpose of granting relief to individuals or companies chargeable with excess profits duty both in Malta and the United Kingdom or any other British Possession. Only the duty higher in amount will be payable by the contributor, subject to an adjustment being made between the respective Exchequers as to the proportion of duty due to each.

Stowaways.—The object of this Act (No. 8) is to prevent the landing of stowaways from any ship arriving in Malta and also to prohibit any person from leaving the island as a stowaway.

Wireless Telegraphy.—Ordinance No. 1 enacts legislation for Malta on the lines of the Merchant Shipping (Wireless Telegraphy) Act, 1919 (9 & 10 Geo. V, c. 38).

Official Secrets.—Ordinance No. 3 adopts practically in its entirety the Official Secrets Act, 1911 (1 & 2 Geo. V, c. 28) and the amending Act of 1920 (10 & 11 Geo. V, c. 75) and repeals Ordinance No. 6 of 1914.

Aircraft Photography.—Ordinance No. 4 provides that no person, other than a person in His Majesty's service, shall take from an aircraft flying within Malta or its territorial waters any photograph of any "land, fort, building, ship, dockyard, work of defence or other object whatsoever."

XII. PALESTINE.

[*Contributed by* NORMAN BENTWICH, ESQ., M.C., *Attorney-General.*]

During the greater part of the year 1923 legislative activity was suspended in Palestine. At the beginning of the year the Advisory Council, which had been constituted in 1920 of 10 official and 10 non-official members, was still functioning, but it was contemplated in the Palestine Order in Council issued in September 1922 that this Advisory Council should be replaced by a Legislative Council composed of twelve elected non-official members and ten officials. Steps were taken immediately on the promulgation of the Order in Council to hold a census and draw up an electoral register, and primary elections were held in February 1923 in accordance with the Legislative Council Election Order in Council. Owing, however, to the abstention of large sections of the Arab population, it was decided to suspend the elections ; and an Order in Council was issued on May 4, 1923, under the Foreign Jurisdiction Act, amending the constitution. It provided, in the first place, that the elections held should be declared null and void, and then, repealing the article of the principal Order which dealt with the constitution of a Legislative Council, vested the legislative powers in the High Commissioner after consultation with an Advisory Council.

It was expected at the time of the issue of the amending Order in Council that a new Advisory Council would be established with a similar composition to that proposed for the Legislative Council, namely, twelve non-official and ten official members. Owing to the continued policy of non-co-operation of a section of the Arab population, the contemplated Council did not come into being ; and finally, in November 1923, a purely official Advisory Council was constituted. Proposed legislation is submitted to that body, and during the year 1924 a large number of Ordinances were passed by it and have been promulgated. The Amending Order in Council provided that Ordinances shall be published as Bills at least one month in the *Official Gazette* before they are enacted, except where immediate promulgation is deemed to be indispensably necessary in the public interest. The Ordinances, therefore, that were laid before the reconstituted Advisory Council in 1923 were not enacted till the following year, and the only legislation which was actually brought into force in the year 1923 consisted of the Constitutional Order in Council mentioned above, two other Orders in Council and five Ordinances passed by the original Advisory Council before its dissolution.

Both the Orders in Council dealt with the administration of justice. The first provided an amendment of the provisions of the principal Order with regard to the trial of foreign subjects. Article 62 of the principal Order prescribed that a foreigner committed by a magistrate for trial might claim that the Court of trial should contain a majority of British judges. The amendment introduced is to the effect that a foreigner may claim that the Court shall either consist of a single British judge or contain a majority of British judges. The effect of the change is to allow the foreigner committed for a serious offence, not however involving capital sentence, to be tried by a single British judge.

The second Order in Council extends to Palestine Part II of the Administration of Justice Act, 1920, concerning the reciprocal enforcement of judgments in the United Kingdom and countries subject to a

British administration. Necessary legislation for the enforcement of British judgments by the Palestine Courts had been enacted in Palestine in 1922.

Succession.—The principal Ordinance (No. 4) passed dealt with the law of succession and regulates the jurisdiction and succession for non-Moslems. Under the Palestine Order in Council jurisdiction over the succession of non-Moslems is vested in the religious tribunals of the non-Moslem Communities where all the parties concerned consent, and in the Civil Courts in other cases. Under the Ottoman system the Moslem Religious Courts exercised jurisdiction over the succession of non-Moslems as well as of Moslems. Further, under the Order in Council the Civil Courts have jurisdiction in all cases in which a dispute arises as to the succession to or the will of a foreign subject other than a Moslem. In dealing with such cases the British President of the District Court can call in the assistance of the Consul of the foreign subject concerned as an adviser with regard to the foreign law applicable. The law to be applied by the Civil Court is complicated by the rule of the Ottoman law which is maintained, that succession to Miri land, that is, land held on tenure from the State (which, in fact, comprises the greater part of the country outside municipal areas), cannot be disposed of by will, but must pass to the heirs according to a special law of succession. On the other hand, Mulk property, which comprises both moveable estate and immoveable property held in full ownership, can be disposed of by will, and in the absence of a will may devolve either by the law of the Religious Community of the deceased person if the parties accept the jurisdiction of the Religious Court, or by a State law of succession.

The Ordinance adopts the law of succession to Miri property as the law to be applied by the Civil Courts to the whole succession in case of intestacy. The Ottoman law thus adopted embodies a modern and equitable system of distribution and places men and women in a position of equality. In the case of succession to the Mulk property of a foreigner the Civil Courts must apply the national law of the deceased person to the whole succession. But they are authorized to refer to the appropriate Religious Court for the administration and distribution of the estate of the deceased foreigner, provided that he was at the time of his death a member of one of the Religious Communities having jurisdiction and, according to his national law, the law of such Community would be applicable to the distribution of his estate.

The Courts of the Religious Communities have exclusive jurisdiction to confirm a will made by a member of the Community not being a foreign subject, and a certificate of the Court of the Community is deemed to be conclusive evidence that the will is valid in form and that the testator had capacity to make it. Where no will has been left by the deceased, the Religious Court can only exercise jurisdiction over the succession so long as all the parties consent; and application may be made to the Civil Court by any person interested for the removal of the cause to the Civil Court and the issue of a prohibition to the Religious Court against dealing further with it. The President of the Civil Court is directed to deal with such an application as he deems just or convenient.

The Ordinance prescribes a civil form of wills, of which the conditions are that the will should be in writing and signed or sealed by the testator in the presence of two witnesses who attest it together. It provides also for the probate of wills made in civil form and the appointment of

administrators. The duties and powers of administrators are based upon English law. This part of the Ordinance is expressly declared not to apply to successions to Moslems which remain exclusively within the jurisdiction of the Moslem Religious Courts.

Finally, the Ordinance cancels certain anomalous provisions of the Ottoman law which held that a foreign subject may not succeed to an Ottoman nor a non-Moslem to a Moslem. It is laid down that no person shall be deemed to be under legal incapacity to take a share in succession merely by reason of his nationality or religious belief. The provision is made retrospective to a limited extent to the succession of persons who died after the beginning of 1919, that is, from the time when the British administration of justice was established over the whole country. Rules are laid down for the determination of questions of personal status. If the claimant is a Moslem or a member of one of the Religious Communities, the religious law is to apply ; if he is a foreigner, his national law is to be applied ; in any other case the Courts shall apply such rules as appear to be just and equitable ; and it is provided that any question of personal status shall be interpreted in favour of legitimation if the claimant would be deemed to be legitimate under the law governing the personal status of the deceased to whom succession is claimed.

The non-Moslem Communities which are recognized as having jurisdiction over the succession of their members are the Orthodox and Latin Christian Churches, the Gregorian and Catholic Armenians, the Greek Catholic Church, and the Jewish Community. Subsequently the Maronite Church was added.

Customs.—Ordinance No. 3 increases duties on tea, sugar, wine and certain articles of luxury.

Registration of Trade Marks.—Ordinance No. 2 introduces certain amendments in the procedure of registration.

Tithe Law.—The penalties for the removal or concealment of crops prior to estimation for tithe, which were inadequate in Ottoman law, are increased by Ordinance No. 1.

Cinematograph Censorship. — Provision was made in 1921 for the censorship of cinematograph films ; but it was found that the enactment needed amendment by way of establishment of a Central Board of Censorship for the whole of Palestine. No film can be produced anywhere in Palestine until it has been passed by the Central Board, which can require the film to be exhibited before approving it.

FOREIGN.

1. CHINA.

[*Contributed by* F. T. Cheng, Esq.]

In the year 1923 China had to her credit two important Parliamentary enactments apart from a Departmental by-law of no mean interest. One of these enactments is the Permanent Constitution, the other the Trade Mark Law, while the by-law is the Provisional Factory Regulations issued by the Ministry of Agriculture and Commerce.

The Permanent Constitution.—The making of the Permanent Constitution has occupied many years and its absence has often been

considered as being responsible for many of the internal wars that have taken place in China in recent years. It will be recalled that constitutionally China was hitherto governed by what was known as the Provisional Constitution promulgated in the first year of the Republic (1912).

This constitution, being provisional in character, was of course incomplete. One aspect of its incompleteness was the absence of any provision for the dissolution of parliament, an omission generally regarded as an intended piece of political strategy on the part of the then constitution makers. The question of power of dissolution soon became the hotbed of political controversy, and the attempt to exercise it was vehemently resisted by the Southern leaders, who clung to it as a moral *tabula in naufragio* for a split between the North and the South. The Provisional Constitution has now been superseded by the New Constitution—a fact which is of course still controversial—but a few features of the latter may be mentioned. It is divided into 13 chapters and consists of 141 articles. Under it the provinces are given specified powers of local government (Articles 22–6). In case anything arises that does not come within the list of powers expressly given to either the Central Government or the Local Government, the question as to which Government shall have power over it depends on the nature of the thing that has arisen, and in case of dispute it shall be decided by the Highest Tribunal of the land (Article 26). The House of Senate should adjourn when the House of Representatives is dissolved, and the latter may impeach the President or any Cabinet Minister and may pass on any Cabinet Minister a vote of want of confidence (Articles 60–2). The appointment of the Premier requires the approval of the House of Representatives (Article 94), and that of the Chief Justice of the Highest Tribunal that of the Senate (Article 98). The President, on a vote of want of confidence being passed on any Cabinet Minister, must either dismiss such Minister or dissolve the House of Representatives, the dissolution of which requires the consent of the Senate (Article 89).

The promulgation of the New Constitution took place almost simultaneously with the election of President Tsao Kun and is considered by many as a *coup d'état* and political triumph of the Chili party.

The Trade Mark Law.—This is the first Trade Mark law that China possesses and is the result of one of her efforts to bring her law up to date. The enforcement of this law has led to much opposition from foreign quarters, much of which is due to misunderstanding, and, judging by the fact that the number of foreign trade marks registered under this law is every day increasing,it is expected that the opposition will disappear with the removal of the misunderstanding.

The Provisional Factory Regulations.—Owing to the fact that labour in China has hitherto been chiefly agricultural and the fact that big industries in this country are of only recent growth, together with the fact that the interests of the workman are generally looked after by his guild, labour legislation has made only a tardy appearance. But these Regulations may be regarded as the seed of such legislation. They consist of 28 articles, practically all of which are for the benefit of the workman, though their application is confined only to such factories as:

(1) have employees up to or exceeding 100 in number, or

(2) are dangerous or unhealthy in character.

For instance, Article 3 forbids the employment of male persons

under ten and female persons under twelve in such factories. Article 4 provides that male persons under seventeen and female persons under eighteen are still considered as child labourers, who can be employed only in work that is light and not poisonous or dangerous (Articles 5 and 22), but cannot be made to work for more than eight hours a day (Article 6) or employed to work between the hours of 8 p.m. and 4 a.m., and are entitled to at least three days' rest every month (Articles 7 and 8). Article 11, which recalls the English Truck Acts, provides that wages must be paid entirely in the legal currency and cannot be paid in goods without the workman's consent. Article 12 requires payment of wages to be made at a fixed date and a least once a month, and Article 18 requires the masters to provide at their expense for the supplementary education of child labourers.

2. FRANCE.

[*Contributed by* O. E. Bodington, Esq.]

Marriage.—By the Law of December 9, 1922, Article 228 of the Civil Code, which provides that a woman cannot contract a new marriage before 300 days from the dissolution of the marriage whether by death or by divorce, is completed by a provision to the effect that this prohibition ceases in case a child is born to the wife after the death of her husband or after transcription of the judgment of divorce, a formality which renders a French divorce final.

Articles 228 and 296 of the Civil Code are modified in consequence.

Employers' Liability.—By the Law of December 15, 1922, legislation concerning employers' liability for accidents to workmen is extended to the domain of agriculture of whatsoever kind, in which is included everything relating to horse breeding.

Mines.—By the Law of December 16, 1922, no one is permitted to prospect for mines on land not belonging to him without the consent of the owner of the surface or the authority of the Government; the authority of the Government is given after notice to the owner of the surface to present his observations and may consequently be given despite the owner of the surface. Special rules are laid down for the rights of prospecting for petrol or natural gas. The "concessionnaire" pays a rent of 3 francs per hectare to the Government.

Traffic in Women and Children.—Article 334 of the Penal Code has been considerably strengthened with regard to the repression of offences against women in order to conform to the recent International Convention on the subject.

Inventions.—By Law of December 29, 1922, there is organized a National Office of Scientific and Industrial Researches and Inventions. Its object is to co-ordinate and encourage scientific researches of every kind, including agriculture. The office is attached to the Ministry of Public Instruction and Fine Arts.

Radio Electricity.—The Law of December 30, 1922, provides that private radio electric posts are authorized in the case of French citizens by the Director of Posts and Telegraphs of the department in which the post is to be set up. In the case of foreigners, however, a special authority from the Under-Secretary of the Posts and Telegraphs is needed, which is

only given after consultation with the Ministries of Interior, Foreign Affairs, War and Navy.

Prisons.—A Law of January 19, 1923, has completely remodelled the law regarding the internal régime and organization of work in prisons. It is beyond the scope of the present review to analyse this law in detail.

Customs.—By a Law of February 16, 1923, the custom zones of Gex and Haute Savoie are done away with; the custom frontiers between France and Switzerland therefore coincide with political frontiers and a source of considerable annoyance and confusion has been thus eliminated.

Abortion.—The Law of March 27, 1923, extends the penalties to an attempt to procure abortion even where abortion has not actually taken place; and also extends the penalties, which were formerly restricted to doctors, surgeons, officers of health and chemists, to surgeon-dentists, midwives, medical students, chemists' assistants, druggists and other like professional persons who have rendered themselves guilty of the crime or attempted crime, or been accessory thereto.

The penalty, however, in so far as prison is concerned, has been made lighter; formerly the penalty was what is known in French law as "réclusion" (*i.e.* imprisonment with hard labour) from five to ten years, whereas the penalty under the new law is imprisonment from one year to five years and a fine of from 500 francs to 10,000 francs.

Army.—On April 1, 1923, a new Army Law was voted, the chief provision of which is a reduction of active service to eighteen months.

Adoption.—It will be borne in mind that adoption in the system of Continental Jurisdiction is a well-defined legal status, the rules of which were before the Law of June 19, 1923, extremely stringent. No one could adopt another person unless he was at least 50 years old, and the person adopted must also be of age. It would also appear that the privilege of adoption was then confined to French citizens.

These rules have been considerably relaxed by the law under consideration. The adoptor need only be aged forty years and the sole restriction on the age of the person adopted is that he or she must be at least fifteen years younger than the adoptor; but the restriction that the adoptor must not have at the time of the adoption any children or descendants is maintained. The law provides furthermore that a Frenchman may adopt a foreigner and be adopted by a foreigner; but the adoption does not change the nationality of the adoptee. If the adoptee is an infant, his father and mother or the survivor of them must consent to the adoption; if he has neither father nor mother, then the consent to the adoption must be given by a family council. The adoptee takes the name of the adoptor added to his own. The adoption takes place by a deed executed before the Justice of the Peace or a notary and must be approved by the Court of the domicile of the adoptor; and the judgment is transcribed within three months on the birth register of the place of birth of the adoptee.

3. UNITED STATES OF AMERICA.

[It is hoped to publish the Summary of Legislation in the next *Review*.]

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